Second Session—14-26.

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THE BENGAL LEGISLATIVE COUNCIL DEBATES

Second Session—No. 14.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 20th August, 1941, at 2-15 p.m., being the fourteenth day of the Second Session, pursuant to section 62 (2) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Distribution of job works.

52. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether any rules and regulations have been framed by the Government of Bengal for guidance of the Government officers in the distribution of job works, such as printing, binding etc. to be done locally in each district of Bengal?

(*b*) If so, what are they?

(*c*) Is it a fact that in most of Bengal districts, especially in Chittagong, such job works as printing, binding, repair of furniture, etc. are given to some particular printing Press and persons to the exclusion of other Presses and persons?

(*d*) If not, do the Government propose to frame some such rules for the guidance of these officers in Bengal districts? If not, why not?

(*e*) Is there any provision for calling tenders for such works? If not, why not?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*), (*b*) and (*d*) Appendix 3 of the Bengal Financial Rules limits the expenditure that heads of offices may incur without reference to Government on (1) local printing and (2) binding up to Rs. 50 and Rs. 25 per annum respectively. Government do not consider that any rules are necessary for the guidance of officers exercising such limited powers.

(*c*) Government have no information.

(*e*) Orders sanctioning local printing on any considerable scale, e.g., printing of electoral rolls, usually contain directions regarding the calling of tenders.

Cheap electric energy for Chittagong.

53. Mr. NUR AHMED: Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state—

(*a*) if it is a fact that the town of Chittagong is an important centre of trade and commerce;

(*b*) if it is a fact that the supply of cheap electric energy is necessary for the development of trade and industry;

(*c*) if it is a fact that the rate per unit charged by the Chittagong Electric Engineering & Co. of Chittagong for supply of electric energy in the town of Chittagong is very high;

(*d*) if it is a fact that recently the Chittagong Chamber of Commerce has submitted a representation to the Government of Bengal and the District Magistrate of Chittagong complaining about high rates charged by the said Company and huge profit made thereby;

(*e*) if so, whether the Government propose to hold an enquiry into the matter and consider the points raised by the Chamber of Commerce, Chittagong Branch; and

(*f*) whether the Government propose to take such measures, as they deem necessary, under the Indian Electricity Act in order to secure fair and just rates for supply of electric energy in the town of Chittagong?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) Yes.

(*b*) Cheap electric energy helps the development of trade and industry.

(*c*) The rates per unit charged by the Company for the supply of electricity in Chittagong are not high in comparison with the rates charged by similar other undertakings in this Province; but in view of the fact that the undertaking has been running since 1927, the question of reduction of rates has been taken up with the licensees.

(*d*) I am not aware of any such representation.

(*e*) Does not arise.

(*f*) As the question of reducing the rates at Chittagong is already under discussion with the licensees, Government do not, at present, propose to take measures under the Indian Electricity Act.

Destruction of aus crop in Chittagong.

55. **Mr. NUR AHMED:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) if it is a fact that there has been wholesale destruction of *aus* crops in this year in Chittagong owing to excessive rainfall and inundation;

(*b*) if so, what steps have been taken by Government to give relief to the agriculturists of Chittagong;

(*c*) whether it is a fact that the villages in police-stations Satkania, Chakaria, Rangania and of other thanas in the district of Chittagong, were totally inundated and crops have been damaged wholesale; and

(*d*) if so, whether any steps have been taken by Government to relieve the distress of these areas; if so, what are they; if not, why not?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) and (*c*) Heavy rainfall in conjunction with high tides caused floods in the main rivers of the district and their tributaries. At one or two places the strong currents caused erosion and deposit of sand. Some houses were lost and one or two small embankments gave way. The major portion of the area which grows *aus* lies to the north of the Karnaphuli river. In this area the extent of damage to the *aus* was nothing unusual. To the south of the Karnaphuli river in some unions in Satkania and Patiya thanas, the damage was about one-third. In the other areas affected by floods, little or no *aus* is grown. Where the *aus* has not been damaged by floods, it is expected to yield a bumper crop this year. As to *aman* seedlings, about 50 per cent. have been damaged in low-lying areas. But the floods have gone down and the weather has been favourable for some weeks past for re-sowing of the crop.

(*b*) and (*d*) Government have sanctioned Rs.20,000 as short-term loan and Rs.70,000 as agricultural loans for the affected areas. The Co-operative Department are also distributing short-term loans in the areas. Further steps as necessary will be taken to meet the situation.

Failure of crops in Chittagong.

56. **Mr. NUR AHMED:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state if it is a fact that in most of the thanas of Chittagong, especially in Satkania, Rangunia, Patiya, Boalkhali and in Cox's Bazar subdivision, *aus* crops and seedling of

aman crop have been destroyed owing to excessive rain and flood and most of the villages have suffered enormous loss?

(*b*) Is it a fact that some of the poor people are actually starving in these areas?

(*c*) Is it a fact that some of the M.L.A's. and M.L.C's. have drawn the immediate attention of the Hon'ble Revenue Minister and the Hon'ble the Chief Minister by letters and telegrams and that no reply was ever vouchsafed to their earnest appeal for help by the Hon'ble Ministers concerned? If so, why?

(*d*) What steps have been taken by Government of Bengal to give relief to the people of Chittagong?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Heavy rainfall in conjunction with high tides caused floods in the main rivers of the district and their tributaries. At one or two places the strong currents caused erosion and deposit of sand. Some houses were lost and one or two small embankments gave way. The major portion of the area which grows *aus* lies to the north of the Karnaphuli river. In this area the extent of damage to the *aus* was nothing unusual. To the south of the Karnaphuli river in some unions in Satkania and Patiya thanas, the damage was about one-third. In the other areas affected by floods, little or no *aus* is grown. Where the *aus* has not been damaged by floods, it is expected to yield a bumper crop this year. As to *aman* seedlings, about 50 per cent. have been damaged in low-lying areas. But the floods have gone down and the weather has been favourable for some weeks past for re-sowing of the crop.

(*b*) Government have no such information.

(*c*) One telegram was received from Maulana Md. Maniruzzaman Islamabadi, M.L.A., on the 22nd July, 1941. A report was also received from the local officers about the same time and Rs. 30,000 was sanctioned as agricultural loans on the 24th July, 1941.

(*d*) Up to 9th August, 1941, Government have sanctioned Rs. 20,000 as short-term crop loans and Rs.70,000 as agricultural loans in the affected areas. The Co-operative Department also are distributing short-term loans in the area.

Supply of cinchona and quinine.

57. Khan Bahadur REZZAQUL HAIDER CHOWDHURY: Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state—

(*a*) what is the expense and income of the Government in the last three years in Cinchona and Quinine Department;

(*b*) whether the proposed reorganisation of the Cinchona Department is complete; if so, what is the total expenditure under this head;

(*c*) whether the Government is aware that the Government supply of quinine and cinchona is inadequate; and

(*d*) whether the Government propose to consider the desirability of granting licence to the local bodies to cultivate quinine and cinchona just to meet the local demand?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (*a*) The annual account for the year 1940-41 is not yet ready. A statement showing the expense and income of Government in the Quinine and Cinchona Department during the three years ending with the year 1939-40 is laid on the Table.

(*b*) The proposed reorganisation of the Cinchona Department has not yet been completed, and therefore the total expenditure on this account is not yet known.

(*c*) The Government is aware that the Government supplies of quinine and cinchona are not adequate and in consequence is embarking on the proposed scheme of expansion and reorganisation.

(*d*) No licence is required by any local body to take up the cultivation of cinchona.

Statement referred to in reply to question No. 57, showing the total expenditure and net profit of Government in the Quinine and Cinchona Department during the three years ending 1939-40.

Year.	Total expenditure.	Net profit.
	Rs. a. p.	Rs. a. p.
1937-38	4,79,035 6 0	8,31,818 8 0
1938-39	5,34,072 12 3	9,41,616 2 6
1939-40	5,56,755 11 0	8,95,020 1 0

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: With reference to (*c*), will the Hon'ble Minister be pleased to state if the expansion which Government has under contemplation will enable Government to meet the requirements of the province?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Our scheme is to produce about one lakh lbs of cinchona, but they will meet only probably three-fourths of the demand.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: What is the total demand, total annual demand, for this province?

The Hon'ble Mr. PRASANNA DEB RAIKUT: It is about 150,000 lbs. a year.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: In that case, how is it proposed to meet the remaining requirement, namely, the other 50,000 lbs.?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Well, Sir, if we are successful in one case, then gradually we will expand the cultivation.

Khan Bahadur ATAUR RAHMAN: With reference to (*d*), the Hon'ble Minister says that no licence is required by any local body. But will any individual, if he wants to start a cinchona plantation, be required to take out a licence?

The Hon'ble Mr. PRASANNA DEB RAIKUT: No, Sir.

Khan Bahadur NAZIRUDDIN AHMAD: Can cinchona be grown anywhere and everywhere? Is any special soil necessary for it?

The Hon'ble Mr. PRASANNA DEB RAIKUT: No, Sir. It cannot be grown anywhere and everywhere. It requires a particular soil and climate.

Prohibition.

58. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state what are the districts to which prohibition of intoxicating drugs and liquor has been applied and since when?

(*b*) Will the Hon'ble Minister be pleased to state the progress of prohibition in the notified areas or districts?

(*c*) What is the total amount of revenues received from excise from the districts of Noakhali and Tippera during the year ending March, 1941, and also during the year previous?

(*d*) Will the Hon'ble Minister be pleased to state what is the total amount of excise receipts in the financial year 1940-41, and in the financial year 1939-40?

(*e*) Is it the intention of the Government to enforce prohibition soon to some other districts also? If so, to which other districts? If not, why not?

The Hon'ble Mr. PRASANNA DEB RAIKUT: (*a*) Noakhali from 1st April, 1938. The prohibition is in respect of liquor only.

(*b*) The experiment on partial prohibition has succeeded completely.

(*c*) The total excise revenue from Noakhali was Rs.29,386 in 1939-40 and Rs.33,050 in 1940-41, and that from Tippera was Rs.1,96,399 and Rs.2,10,642 in the respective years.

(*d*) Rs.1,68,87,331 in 1939-40 and Rs.1,75,47,266 (preliminary figures) in 1940-41.

(*e*) Yes. Partial prohibition in certain parts of Tippera and Chittagong from 1st April, 1942.

Mr. LALIT CHANDRA DAS: With regard to (*b*) and (*c*), will the Hon'ble Minister kindly look to his answer in (*c*), from which it appears that there has been an increase of about Rs. 4,000 during this year, this prohibition period?

The Hon'ble Mr. PRASANNA DEB RAIKUT: But that has come from other sources. All drugs have not been prohibited; only liquor is "prohibited."

Mr. LALIT CHANDRA DAS: That was not my question. My——

Mr. PRESIDENT: After you have put a supplementary question, you should sit down and then the Hon'ble Minister will reply.

Mr. LALIT CHANDRA DAS: All right, Sir. My question is this: it appears that during this prohibition period there has been an increase in excise revenue to the extent of Rs. 4,000 in Noakhali. How can this increase be reconciled with the answer given in (*b*) to the effect that the experiment on partial prohibition has succeeded completely? How does that happen?

The Hon'ble Mr. PRASANNA DEB RAIKUT: As I have said, Sir, prohibition does not apply to all sorts of drugs. It does not apply to *ganja* and opium for instance and this increase has come from opium.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to consider the desirability of extending prohibition to opium and *ganja* also, so that there may be complete prohibition in Noakhali?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Government will consider this question.

Khan Bahadur NAZIRUDDIN AHMAD: Are the Government in a position to assure the House that illicit distillation is not going on secretly?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Well, Sir, we are not aware of that; we have not got any such information.

Khan Bahadur NAZIRUDDIN AHMAD: Is the Hon'ble Minister in a position to assure the House that illicit distillation is not going on secretly?

The Hon'ble Mr. PRASANNA DEB RAIKUT: We are not informed that illicit distillation is going on. As far as I am aware, there is no information of smuggling.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased——

Mr. PRESIDENT: Order, order. In putting a supplementary question, honourable members should remember that they have to stand up to catch the President's eye and when he calls the honourable member, then alone he should put the question.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: All right, Sir. Will the Hon'ble Minister be pleased to state from what criterion he says in his answer (*b*) that the scheme of partial prohibition has succeeded?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Sir, from enquiry we find that the people there are not anxious to get liquor.

Khan Bahadur NAZIRUDDIN AHMAD: Is the Hon'ble Minister in a position to assure the House there is no secret distillation in the district?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Sir, I have already answered that question.

Waste land of bhati area of Mymensingh.

59. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether a joint enquiry was made by the Agricultural Engineer and the Executive Engineer (Irrigation) for finding out the possibility of reclaiming the culturable waste lands of *bhati* area of East Mymensingh?

(*b*) If so, what was the result of that enquiry?

(*c*) Will the Hon'ble Minister kindly state what action he proposes to take on the recommendation of the enquiry of the officers and by what date?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) Yes.

(*b*) and (*c*) The reports are under examination.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state what action he proposes to take on the recommendation of the enquiry committee? Will any experiment be made in any area?

The Hon'ble Mr. TAMIZUDDIN KHAN: The report of the Agricultural Engineer only has been received by this department. The report of the Irrigation Executive Engineer is still under the consideration of the Chief Engineer, and this department has not yet received the report of the Irrigation Chief Engineer.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: When may we expect to get the report?

The Hon'ble Mr. TAMIZUDDIN KHAN: The report is under examination, as I have said, by the Irrigation Chief Engineer, and we do not know when he will send it. But I shall try to get it as soon as possible.

Report of the Land Revenue Commission.

Mr. PRESIDENT: The House will now resume discussion of the Bengal Land Revenue Commission report.

Khan Bahadur M. ABDUL KARIM: Mr. President, Sir, to-day I stand on the crossing of roads with the tricolour badge in my hand. I entered the Council by direct election from the district of Mymensingh as an Independent. Very soon after my entry, the Krishak-Proja Party was pleased to place a cap on my head as a mark of personal distinction. Sometime after that, the League Party was pleased to place a turban on my head just to cover up the small cap. To-day therefore, Sir, as this is a matter of such momentous importance and it is much too serious to be considered in a spirit of party politics, I take off both the turban and the cap and as an Independent shall try to examine the recommendations of the Land Revenue Commission and to advise the Government, as asked for by the Hon'ble the Leader of the House, in a free

and friendly spirit. Sir, before we proceed to do that, we must express our thanks to the members of the Commission for placing a wealth of materials for expansion of our knowledge in statistics. We are thankful also to the Hon'ble the Leader of the House for making an analysis of the arguments advanced for and against State acquisition. He explained the matter very lucidly and his summing up of the case has relieved our difficulties to a very great extent. Now, Sir, the points for consideration have been narrowed down to two, namely, State acquisition, annulment of the Permanent Settlement or the reverse side of it; and the question is: whether State acquisition should receive the support or should be met with disapproval. Now, Sir, certain facts have been placed before us. We are not here to give evidence; we are to give our decision on the facts as enquired into and placed before us. That simplifies our work still more. At the very outset, I for one, Sir, as I have said before, give my own opinion as an Independent and my opinions or my views do not represent the views of the Coalition Party as a whole, although most of the members agree with me and some do not agree. Some members of my Party have already given their opinions as members of the Land Revenue Commission. Now, Sir, in the proposed scheme, three parties are interested—the State as a juridical person, the big landlords, the independent *talukdars*, the dependent *talukdars* and the rent-paying *raiyats*. These three parties are interested in the initiation of this scheme. Let us see what the recommendations and what the findings of the Land Revenue Commission are. Broadly speaking, their case is this—the Commission finds that there are enormous financial difficulties on the part of Government in the matter of acquisition of the properties of the zemindars and *talukdars*. The Revenue Commission recognises the immense financial difficulties of the Government in the matter of acquisition, that is to say, difficulty to get funds for the acquisition. Looking at the matter from the other end, Mr. Gurner says that even if you succeed, even if you can find the money for acquisition, the prospect of profit or of any income,—any appreciable income from that acquisition is illusory. That is how, Mr. Gurner, the Special Officer, advises the Government. Thus, if we look at the thing from both the ends, we find that the Government will hesitate, will not take up the matter unless they are fully prepared and unless they find that they can get on with the business successfully to its termination.

Sir, some honourable members of this House have taken to task the Hon'ble the Revenue Minister for not giving out or rather hinting at the probable decision of the Government. My submission is that the charge was not well-founded. In view of such recommendations or rather findings of the Commission and the Special Experts, the Government of Sir Bijoy Prasad Singh Roy must exhibit a mood of hesitancy if not an inward determination not to give effect to the proposals. As

a matter of fact, from the manner in which the recommendations of this Report was summed up by the Hon'ble Sir Bijoy Prasad, we can almost gather that so far as he is concerned, he finds it impossible to give effect to the recommendation from the financial point of view.

Secondly, Sir, the Commission further recognises that in giving effect to that recommendation the income of the landlords, proprietors and tenure-holders would be reduced by more than half. So, the second party also does not stand to benefit by this sort of arrangement.

As regards the third party—I mean the tenants, the Commission clearly says, "that although *khasmahal* management is not generally popular, still we think that the *raiyatwari* system will be better than the zemindary system." Therefore, Sir, we find that none of the three parties benefit by this scheme. So, I think the clerk of the political weather writes in capital letters on the notice board: "It is an ill-wind that bloweth nobody any good." From these aspects of the case, we are not prepared to ask Government to take up the scheme as suggested by the majority report. This should not be understood to mean that I am in favour of the prolongation of the life of the Permanent Settlement indefinitely. I am definitely against accelerating its death by acts of our own. Let them die a natural death in course of time. Past had its end, present has its end and the future will have its end in the long run. Everything will have its end, no doubt. But at the same time, as politicians of the old school—a little bit conservative with a tinge of Liberalism and believing in the natural and continuous process of evolution of things in this world of ours—we are against breaking away all too suddenly from the past.

Therefore, my submission to the honourable members of this House is that I must not be taken to mean that I am in favour of the Permanent Settlement. From the materials placed before the House, however, we are not in a position to recommend to Government that the proposal of the majority report should be accepted.

Now, Sir, even if such a thing comes to happen, even if in spite of all these difficulties, Government take it into their heads to give effect to the recommendations of the Commission, I would ask Government to differentiate the case of the big landlords from the case of the smaller; or to use the phraseology of my friend Khan Bahadur Naziruddin Ahmad, the case of the elephants from the case of the frogs, some sitting tight on their back and some on their tail—to differentiate, I mean, between that long army of about 27 lakhs of independent *talukdars* and dependent *talukdars* in Bengal—differentiate their case from the case of the bigger elephants, who number only 700 or so in the whole of Bengal.

I would also ask the Government—since I represent the middle class—and it is only in the fitness of things that I must place their

case properly before Government—I will ask Government to recall past history. I would ask the tenants to consider whether or not they have done better work for the locality in which they have thrived and prospered than the bigger landlords in the matter of education and irrigation, or in other words, towards the betterment of the human material. The charge in the majority report is that these landlords have not done anything towards the agricultural improvement of the country. But, certainly, they have done something and more than what Government themselves have up till now done towards the betterment of the human material. Hundreds and thousands of schools, not to speak of *pathsalas* and *muktabs*, exist throughout the country, and Government has not done anything for them. Even now what little they are going to do for primary education—perhaps almost the entire burden thereof has fallen for all practical purposes on their shoulders,—the shoulders of the middle class and the big landlords. We are called upon to pay the education cess, and whether we can realise anything from our tenants or not but we are bound to pay the cess to the treasury. Even to-day, as I have already said, Sir, although Government profess to do something for primary education, yet the burden has fallen mainly on the shoulders of these people. The tenants should not forget that the country is dotted over with big tanks, all excavated at the cost of the zemindars or by *talukdars* for drinking water and irrigation purposes, which, because the descendants of those *talukdars* and zemindars are not so well-off as before, have fallen into disuse and for the reclamation of which only last year, as the House will remember, at the instance of the Hon'ble Sir Bijoy Prasad Singh Roy they passed a Bengal Tanks Improvement Act. The tenants should not forget that. The Government also should not on their part forget the middle class and recall the days which are within recent times. Government knows, every District Officer knows and every Subdivisional Officer knows what these middle class landed people have done to avert the catastrophe that was hanging over the country as a whole.

Of course, I may be pardoned for saying so, because one side of the picture cannot be placed without showing up the other side. When agitation against the Government was bolstered up from among the educated classes, it was only the middle-class landlords who prevented the country from going into turmoil. Government should not forget that. So, the utility of these middle-class small landholders should be appreciated and they should be maintained more in the interest of the Government itself than in the interest of the middle-class *talukdars* themselves. Those who have experience of the "sea-shore," have some idea about the breakers. Those who have gone to Puri and other sea-side places must have known that the breakers exist in between the main land and the deep open sea. Now, Sir, without these middle-class *talukdars* as "breakers", what will the Government

do if the onward rush of the rolling waves in the shape of a rural mass agitation engulf the main land? At that time it would be difficult for the Government to check the rush. I would ask Government to consider this aspect of the case and see that middle-class zemindars—the frogs——(Khan Bahadur NAZIRUDDIN AHMAD: We the tenants are frogs. No, middle-class zemindars are frogs)—these middle-class frogs are saved. From the Indian point of view they are frogs of good omen. The Indian point of view is that frog is an animal of good omen and when it croaks gentle torrents of rain come down to soothe the earth. So, do not try to kill and extreminate these 27 lakhs of middle-class zemindars. Without them, Government will be drowned in the roaring sea. The *talukdars* are the messengers of peace: do not kill them.

Sir, although I do not support State acquisition of zemindaries on the grounds stated in the majority report, I should be glad to recommend their disappearance on other grounds. If the Proja Party would like to see them disappear from the face of the earth on certain grounds, I would recommend their disappearance on other grounds. I would recommend their abolition, having regard to the very bad plight in which some of the big zemindars and the vast majority of the middle-class zemindars, I mean the *talukdars*, are passing their days and nights; I would ask them to remember and advise them to keep in mind the Bengali saying " তোমারে বধিবে যে গোকুলে বাড়িছে সে, " that is to say "He who will kill you is growing in Gokul." I would advise them to surrender themselves to the protection of Government. That should be done—because their condition is very pitiable. With super-imposition of taxes upon taxes from high and the constant poking from below, non-payment from below and demand for over-payment from high, they are between the devil and the deep sea. Well, they would be better advised to seek shelter, as some of the bigger elephants have taken, under the protecting wings of Government in the Court of Wards. Sir, I am reminded of a story. A Private Secretary to a German Emperor waited upon him and the German Emperor who was going to abdicate and was going to leave Germany asked "what can I do for you, Mr. Secretary? How can I recompense thee for thy fidelity"? "Your Majesty, by not leaving me to die in a ditch" was his reply. Therefore, I say to Government they would be failing in their duty, they would lose the lustre and dignity of a Government if they allow these people who have served them so loyally and faithfully in the past to die in the ditch. Take them under your protection. And, in that view of the case, one suggestion which has been made by my learned friend Khan Bahadur Saiyed Muazzamuddin Hosain has appealed to me most strongly because as a matter of fact I was at a loss to find out some sort of solution by which all the three could live peacefully and whereby one

would live and let others live. Whether that scheme could be acted upon or not, I do not know; but this has appealed to me most strongly for long and this is his scheme. He was a prominent member of the Commission. After giving his verdict he thinks that some injustice has been done, that he has not acted rightly. He thought over it again and again and evolved a modified theory, I mean a modified solution and it is this. Well, here is a thing. Government cannot even if they have the will, take up the project of State acquisition for want of funds. My friend Khan Bahadur Saiyed Muazzamuddin says to Government—well, instead of taking them all at once, by direct acquisition, take over charge of the estates of these landlords under the management of the Court of Wards. That, in short, is his solution of the problem. Take charge, manage the estates according to the discretion of Government; set apart a certain sum for agricultural improvement; set apart a certain sum for the Sinking Fund and the Reserve Fund; give them a liberal allowance. He has shown that as a result of his scheme, after 27 years if you accumulate that sum, that will meet the financial requirements of the acquisition problem. They will get their money at one time—the *talukdars* and the zemindars. In the meantime, you prolong their life; give them days of grace to think over their past sins, to remodel their lives and to train up their children accordingly. After 27 or 30 years when they will get a lump sum on account of State acquisition, it will not cost the Government anything as the landlords will get their share of the compensation from the profits of the management of their estates by the Court of Wards; they will not be like the Hogarth's son thrown away broadcast, unprotected and uncared for. They will have enough time to train up their children, to give them proper training for industrial careers. That is not a very bad idea having regard to the circumstances in which even the majority Commission find themselves, namely, that because they are unable to mend it, the only course open was to end it. Well, that is rather an admission of incapacity; if you cannot mend it, you should not end it. That is a solution which has appealed to me most that instead of reducing them to the state of beggars, these *talukdars* who have reigned in their own small localities will still like to bask in the sun-shine of Government with a subdued feeling of vanity or dignity, call it whatever you like, with an air that they are yet *talukdars*. Let this feeling vanish by gradual degrees.

Now, Sir, the Commission's finding in paragraph 138 is that "*Nevertheless*, the majority of the Commission hold the view that in the interests of the province as a whole, the present land tenure system cannot remain unaltered." Governments have their defects, tenants have their defects, the tenure-holders and *talukdars* have also theirs. The Commission says "the majority of the members of the Commission are of opinion that the lands should be taken over by

Government." What is the meaning of the word "Nevertheless". Is it that the members cannot make up their minds definitely about the question of annulment but still since they have given a pledge to the constituency, the Permanent Settlement should go? Is it a spirit of autocracy at the legislative table—*sic volo sic jubeo* (such is my will and such my command) or is it because of a pre-conceived notion working in the minds of the honourable members when they gave verdict against the weight of facts? Were this matter placed in a court of law—before a judge and a common jury—and if the jury on such materials delivered verdict for annulment of the Permanent Settlement, the Judge would certainly have characterised it as perverse. I have already stated the reasons for which I should be glad to see it abolished, but not on this score.

Therefore, considering from another point of view—from the financial point of view—it is impossible for us—at least for me—to advise Government—to give a frank and friendly advice—to adopt this recommendation.

Now, Sir, there are many points in the findings of the Commission which are thus open to challenge. The Commission is of opinion that no measure for the amelioration of the condition of the cultivators can be undertaken within the frame work of the Permanent Settlement. But, Sir, the defects that they point out are quite remediable under the Permanent Settlement except one or two matters, namely, the question of inheritance, and the Law of Muhammadan inheritance which no Legislature can touch, etc. I find that the Commission has also raised the question of over-population. It is true that one-fifth of the population of Bengal, according to statistics, are landless labourers but nothing has been done for them. It has been argued that there is not land enough in Bengal to go round, but has anybody suggested that this over-population be checked by a Department of Birth Control on the lines of the Department of Jute Control that we have already got? So, a Department of Birth Control should also be started in Bengal to prevent over-population. This problem of over-population will go on from year to year but there is not even any hint in the report about the creation of any department called the Birth Control Department on the lines of the Jute Control Department, for they should both go hand in hand. So, this point should be seriously considered. As regards the difficulty about finance, I may show you the way. This province gets 62½ per cent. of the export duty on jute from the Centre—fruits of the labours of cultivators working in knee-deep water, bitten by leeches and other pests and with the rain falling in torrents over their heads. Has the Legislature ever insisted on forcing the hands of Government to set apart this amount of jute duty exclusively for the

improvement of agriculture? Has any plan, or policy for agriculture been suggested in the Commission's report? I do not find any mention about industrial improvement either, save and except repetitions of some of the minor recommendations of the Royal Commission on Agriculture. Therefore, Sir, I am of opinion that the whole thing has been a failure involving loss of public money, public time and public energy. This is all that I have got to place before the House and in the light of these observations, I hope my honourable friends will consider how best to advise the Government in a matter like this. I can only advise the zemindars to take solace from the words of Scipio when he was crying over the ruins of Carthage "Oh Rome, even yours will be this Fate someday". The Pathan dynasty wept over the ruins of Hindusthan. The Moghul dynasty wept over the ruins of the Pathans. And the time may not be very far when the zemindars in Bengal may also have to go. If nations can die out, then the zemindary system also may go out in the twinkling of an eye. But, as I have said, I shall be the last man to accelerate that death. Let them die by act of God or by the weight of their own sins, real and supposed.

Mr. BANKIM CHANDRA DATTA: Sir, I shall be very brief, as I find that the various aspects of the Report have already been dealt with by honourable members and by most of them rather extra-passionately and by some only dispassionately. The practical aspect, or rather the financial impracticability of the recommendations of the Report has been very ably demonstrated by my honourable friend Mr. Ross. Although I do not agree with some of his reasons or conclusions, all the same, I must admire his frank and outspoken observations supported by convincing arguments in respect of a rather complicated matter.

Sir, equally ably and admirably has the matter been dealt with also by my honourable friend Dr. Radha Kumud Mookerjee. He has dealt with another aspect, namely, the economic aspect—that it would be impossible for the Government to attain its chief objective, namely, the amelioration of the condition of the tenant, the actual tiller of the soil as there will be no economic holding available for the actual tillers of the soil. Sir, I had been listening with great interest to the speech of the Leader of the Coalition Party and although he has put it as his own personal opinion, it is entitled to respect and the Government should do well to consider it carefully. I would not, therefore, deal with these aspects but I shall go straight to the legal aspect of the matter, specially with reference to the question of compensation payable to the landlord. Sir, the vital recommendation of the report is the scheme of State purchase and the abolition of the Permanent Settlement. Some of my friends opposite have suggested a short-cut

method, which has been characterised by my friend Mr. Ross as the Nazi method, of confiscation straightaway,—the root and branch way, as they call it. Take up the cudgel in hand, root out the zemindary system and cut out all its branches and then give the lands to the tillers of the soil. But if that is done in the case of the rural owners, I would ask my friends opposite to follow up that policy also in the case of urban landlords. In the same way, if they want to apply that principle in the case of agricultural produce, why should they not do it in the case of industrial produce as a well? Sir, I would ask them very humbly to seriously consider the disastrous consequences to which this policy would lead them.

Sir, after the discussions here, if the Government at all contemplates working out the recommendations of the Floud Commission, I would ask them to consider seriously the wording of section 299 of the Government of India Act, If I may just read out section 299—"(1) No person shall be deprived of his property in the British India save by authority of law: (2) neither the Federal nor a Provincial Legislature shall have power to make any law authorising compulsory acquisition for public purposes of any land or any commercial or industrial undertaking or any interest in or in any company.....in commercial or industrial undertaking." In all cases, therefore, the Statute provides for the payment of compensation for the property acquired .....either fixes the amount of the compensation or specifies the principles on which and the manner in which it is to be determined. Sir, it is laid down in very clear terms that compensation will have to be paid. As regards the amount or quantum of compensation or the method of ascertaining the compensation, that will be a matter which will have to be left to the Legislature. The meaning of the word "compensation" as given in the Oxford Dictionary is "that which is given in recompense, an equivalent rendered." Sir, it suggests the image of balancing one thing against another, that is to say, the land is taken, and its equivalent in money is given to the owner. This meaning has received judicial recognition in the case of Muhamad Mazaharal Ahad *versus* Muhamad Azimuddin Bhuian reported in Vol. XXVIII C. W. N. at page 216..... The decision was given by two eminent Judges of the Calcutta High Court, namely, Mr. Justice Mukherjee and Mr. Justice Rankin, then a Puisne Judge. Then again, for the present law on the subject of compensation for land acquired for public purposes, the Government will do well to consult the Land Acquisition Act and the English law and Statutes on the subject, namely, the Land Clauses Consolidation Act, 1845. These statutes lay down that you have got to give compensation to persons whose lands you are taking away and it has been held consistently that in the case of compulsory purchase, besides the market value of the land a ten per cent. or sometimes 15 per cent. has

been added. According to the English practice it is 10 per cent. but, you know, Sir, that under the Land Acquisition Act, according to section 23 it is 15 per cent. Section 23, as some of my lawyer friends will know, deals exhaustively with the damages which have got to be awarded to the owner of land whose lands are being acquired. So, that is the idea, Sir, which I would beg of the Government to bear in mind before making any commitments on the basis of the recommendation of the report. If, even after the discussions in this House, they contemplate working out any of the recommendations of the report and spend money on them without proper legislation on the subject, they may be challenged in the courts of law and there may be difficulty and embarrassment on the part of Government. So, I would suggest, Sir, that in view of the extreme importance of the matter, Government would be well advised not to spend money for implementing these recommendations without proper legislation on the subject and before they proceed to legislate on the subject but to take steps under section 213 of the Government of India Act, namely, to approach the Governor-General with a request to obtain the opinion of the Federal Government on this rather important subject. As regards my personal opinion, I do not know if I am permitted to give my personal opinion apart from the opinion of my party but I would, however, suggest that the Government would be well advised to proceed very cautiously in the matter and not to act up to the recommendations of the report without very seriously considering the consequences of the same.

Mr. HUMAYUN KABIR: Mr. President, Sir, it is perhaps because the Permanent Settlement marks an anarchy of individualism that we have had in this House also an exhibition individual anarchy in the speeches delivered till now. More than one member has spoken in open opposition to the mandate of the party to which he belongs in expressing his attitude towards the Permanent Settlement. Sir, the two most delightful speeches which have been made on this matter are perhaps also the two speeches which are the most futile so far as any practical suggestions are concerned. I refer, Sir, to the speeches of my honourable friends on my left, the Leader of the European Party and the Leader of the Coalition Party. I shall take up some of their points as I proceed in detail with the analysis of the Permanent Settlement and its implications. I may be permitted only to say at this stage that the speakers are, to put it mildly,—living in a dreamer's paradise. Their speeches are entirely old-worldly, the relics of a receding past and of a social order and a social ideal which have vanished to-day. I know Sir, that the time at my disposal will be very short, and therefore, I shall plunge right into the subject without wasting my time on preliminary remarks.

I think the heart of the matter is to be found in chapters 2 and 3 of the first volume of the Report of the Commission. These, I think, are for our purposes the most important parts of the Report. I largely agree with the strictures which have been laid upon the Commission and with the reason for them advanced by my honourable friend the Leader of the Coalition Party. As evidence of half-hearted action, I would draw the attention of the House only to a few paragraphs of these two chapters. On page 32 in paragraph 74 of the report, the Commission discusses the question of agricultural income and says that the members who enjoy the benefits of the Permanent Settlement have not perhaps contributed anything to income-tax, though it is quite obvious that the remark is absolutely irrelevant. There was no idea in the minds of the framers of the Permanent Settlement that the people enjoying agricultural income should contribute anything to the income-tax. That in fact is one of the grounds on which the Permanent Settlement is assailed. Again, in paragraph 77 on page 33 and also in paragraph 81 on page 35, we find statements which, to say the least, are not borne out by the evidence which was placed before them. Such instances of half-heartedness and haltingness are patent in many parts of the Report.

In spite of half-heartedness and uncertainty, the Report proposes the abolition of Permanent Settlement. I propose to read out only one passage from the Report, viz., paragraph 85 at page 38 of the first volume, and I think that that passage by itself is enough to dispose of the arguments advanced in favour of the Permanent Settlement by my honourable friends to my right as well as to my left. The Report is quite definite that there is a "notable absence in Bengal of that certainty as to the respective rights and obligations of the parties which every sound and satisfactory system of land tenure should provide." I repeat that that one sentence in the Report has condemned the Permanent Settlement out of court. The purpose for which the Permanent Settlement was made was that it would give security of tenure to the landlords as well as to the tenants and determine their relations to one another and the State and also secure a proper revenue to the State. But, Sir, how is it that perhaps the most important element in the Settlement, namely, the "determination of the respective rights and obligations of the parties" is left uncertain? This one remark in the Report is enough to meet and demolish most of the objections advanced by those who seek to defend the Permanent Settlement. I would like to draw the attention of the House once again—though I am sure most of the members have read it—to the strictures of Lord Curzon in the Resolution of the Government of India in 1902 which has been referred to in the Report in paragraph 83 on page 36.

Now, Sir, before I take up the arguments in favour of State acquisition, I think it would be better to proceed to an examination of the

arguments against State acquisition, and examine, for whatever they are worth, the arguments we find in the Report itself as well as the arguments advanced by the different members of the House. The arguments of the minority in the Commission will be found on pages 39-41 of the Report and may be tabulated as follows: The first argument is that the present economic deterioration of Bengal is not due to the Permanent Settlement but to the increasing pressure of the population on land. But the supporters of this point of view forget that the increasing pressure of population on land was itself a result of the Permanent Settlement. The Permanent Settlement has put an undue premium on investments in land and has thus diverted the money available in the country from industrial undertakings. By this diversion of capital from industry, the Permanent Settlement has led to the gradual decay and ultimate death of our ancient industries. Dr. Radha Kumud Mookherjee has made copious references to the statutes that were passed in England for the suppression of the industries of this country. That certainly was an important factor but of equal importance was the diversion of capital from industry to land. Unfortunately, that process is going on even to-day; even now, or at least till very recently, men of money and men in the lucrative professions, barristers, lawyers and doctors, have been in the habit of investing their savings in land. This was due, not only to a desire to own agricultural land but perhaps to reasons of prestige as well. Therefore, Sir, this increasing pressure of population on land is itself very largely a result of the Permanent Settlement. Those who seek to defend Permanent Settlement but say that the economic difficulties of the people of Bengal are not due to its operations are simply begging the question.

The next point made out in the Minority Report is one that should be seriously considered, namely, the question of uneconomic holdings and the right of alienating land. The supporters of the minority view, —and I think I can place Mr. Ross in this category,—hold that the economic difficulties of the cultivators of Bengal are due to the uneconomic size of their holdings. This is the result of fragmentation and the right of alienating their lands freely has helped this process. Mr. Ross suggests that the Muhammadan law of inheritance is also responsible for the fragmentation. These may all be contributory causes, but I have no doubt that the chief reason for the poverty of the cultivators and the people of this province lies in the increasing pressure of population on land. If people had other avenues of employment and could engage their energies, initiative and enterprise in other spheres of avocation which premised them a proper income and an honourable status in life and society, surely this kind of fragmentation of holdings would not have taken place. I think that before the economic condition of the peasantry can be restored, two other points will have to be considered. These are—security of tenure and security against rack-renting, conditions that are absolutely necessary

for agrarian welfare. If these conditions are met, there will be improvement to some extent. But out task is to examine whether these conditions can be fulfilled under the Permanent Settlement.

Now, Sir, consolidation of holdings has been attempted in the Punjab and it could be attempted there only because there was State management. Perhaps it has not gone as far as was desirable, but still attempts were made and this was possible there only on account of State management.

With regard to the fragmentation of holdings, it is impossible for the peasants and cultivators to agree to consolidation of holdings in the present condition. But if the State takes the initiative in the matter and if properties are acquired by the State, then consolidation and collective farming can be started on a co-operative basis. I may say in this connection, Sir, that in certain parts of India attempts are being made by local people, of course, with Government support to encourage collective farming on a co-operative basis and in this way to help the peasantry to consolidate their holdings.

Then, Sir, the peasant must be secured against rack-renting. Dr. Radha Kumud Mookerjee asserted that Bengal cultivators pay a very low rent and suggested that the rates in Bengal were much lower than in other parts of India. That point has already been met fully by my friend Khan Bahadur Saiyed Muazzamuddin Hosain. I would only add that as a matter of fact the rent is exorbitant and unprofitable as is evidenced by the chronic default and progressive impoverishment of the peasantry of Bengal.

Sir, it surprised me when I heard Dr. Radha Kumud Mookerjee place land in the same category as other agents of production, when he went so far as to compare land with commodities which change hands freely in the market. As a Professor of Economics, he at any rate ought to have known that land stands in a special category. Land is not a commodity which can be circulated in the open market like other goods and cannot be conveyed from one place to another like other economic commodities. This has led many eminent economists to treat land as a special category and take agriculture outside the list of ordinary professions. I expected Dr. Mookerjee at least to realise that fact.

Then, Sir, Dr. Mookerjee wants to compare Bengal with Japan, and points to the low rate of rent in Bengal and her productivity. He wants to compare the condition of Bengal peasants with that of the peasants in Japan, and, if I do not forget, he was pleased to remark that the condition of Bengal peasants was in some ways better than that of peasants in Japan. I am sure, Sir, that the Japanese will not agree with him in this respect and neither the starving peasant of Bengal. Dr. Mookerji himself knows that he would rather be a peasant in Japan

than a professor in Bengal. Khan Bahadur Saiyed Muazzamuddin Hosain has already dealt with this point and I do not want to repeat his arguments.

The next point which has been brought up for consideration by the Minority Report and a point which has been developed at very great length by my friend Mr. Ross, is that if State acquisition is given effect to, it would depress the position of the lower middle-class. Dr. Mookerjee also grieves over the fate of the "poor" rent-receivers. But according to paragraph 91, page 40 of the Report, 2·25 millions are dependent on rent collection as their only or chief sources of income; and according to Dr. Mookerjee himself, about 15 millions are dependent on rent-receipt for their livelihood. But the sum for distribution among them is in the neighbourhood of Rs. 8 crores. If we take the figures of Government, *viz.*, 2·25 millions and compare it with the figures of Dr. Mookerjee, we do not find any real discrepancy. Government have taken into account only the rent-receivers and Dr. Mookerjee takes into account their families as well. There is, therefore, no real discrepancy. If Rs. 8 crores are distributed among these 15 millions, the gross income per head would be only about Rs. 5 per head per annum. But even this does not give us the accurate picture. Dr. Mookerjee himself points out that there are about 700 families with an income of eight to ten thousand rupees or above per annum. If allowance is made for the privileged 700, the income for the others will be only Rs. 4 per head per annum. If we take them in the lump, the loss of the poor rent-receiver is to the extent of Rs. 5 per annum. If we distinguish the case of the privileged 700, the income *per capita* would be only Rs. 4 per head for each of these supposed rent-receivers, supposed middle-classes for whose loss of property and for whose loss of sustenance Dr. Mookerjee is so anxious and solicitous. This, therefore, Sir, takes away a good deal of the force of the arguments of both Dr. Radhakumud Mookerjee and Mr. Ross. On the contrary, abolition of the Permanent Settlement would release the ability of Bengal from its land-locked and moribund condition and bring back initiative and enterprise into our industrial life. It is common knowledge that there has not been the same development of industries in our province as in other provinces. The present lack of industries is very largely due to the security-mentality which is so prevalent here, and this security-mentality has in its own turn resulted from the Permanent Settlement.

Then, Sir, we have to consider the argument which is advanced on pages 40-41 of the Report. I would dismiss it with the remark which I have already made. I would make only one other remark before I leave this point. I wonder if Mr. Ross has forgotten the country of his origin, has forgotten that there is a country called Scotland in the world where the people, though they do not have the Permanent Settlement, are in a better condition and enjoy better amenities of

life. I also wonder if he has forgotten England and a thing called the Joint Stock Company which his country perfected, if it did not invent it. The minority view in the Report is that the little compensation which the middle-class tenure-holders will receive for the loss of their holdings will be insufficient to induce them to invest their money in industrial concerns. And to this Mr. Ross says ditto. All this is absolutely indefensible when we remember that for over a 100 years the country from which Mr. Ross has the privilege of taking his origin, has developed individual initiative and joint stock companies on a scale which is perhaps unprecedented in the history of the world.

Now, Sir, I would also refer to another point which was made by Mr. K. C. Roy Chowdhury in his reply to Dr. Radha Kumud Mookerjee. Even to-day 18 crores of rupees are paid as industrial wages in Bengal. Dr. Mookerjee wonders what will happen to the agricultural population even if there is industrialization; for, these agriculturists never go out of their villages. As I said before, many of the critics seem to be living in a time which is fast disappearing, if it has not already disappeared. Dr. Mookerjee seems to have forgotten, though as an Economist he should not have forgotten, that conditions are changing and methods of communication are making the agriculturists in India and even in Bengal more and more mobile every year. With the growing mobility of labour, there is no reason why the agricultural population of Bengal cannot be diverted into industries. He should also have remembered the experience of Bombay, the United Provinces and the Punjab in this respect. Have they suffered though they have no Permanent Settlement?

Now, Sir, the minority has referred to another point which Mr. Ross has also stressed. I must say that even though I disagree with his speech totally, it was one of the best speeches which Mr. Ross has given in this House. The fear of reduction in rent on account of political reasons is not really such a danger as Mr. Ross and people of his way of thinking feel; it is not a danger but a necessity for reconstructing the economic life of the province. The present competitive rate of rent is exorbitant. It is true that Rs. 3-5 or thereabouts is the average rate of rent for the tenant. At the same time, in the Revenue Commission itself we find that the rate of rent of the under-*raiyat* is above six rupees. If to this we add the unrecognised rents which the *raiyat* is actually forced to pay on account of the over-pressure of population on the land, on account of the lack of sufficient land, I am sure that the actual rent, the actual economic rent which the tenant or the cultivator has to pay is considerably greater. Dr. Radha Kumud Mookerjee has himself ably pointed out in the Report that the average person in Bengal is more heavily taxed than perhaps the average person in any other province. Rs. 7-8 is the *per capita* taxation and according to Dr. Mookerjee this is higher than

in any other province except perhaps Bombay. This has already had its repercussions on the position of the peasant whose condition is continually deteriorating. The peasant pays not only rent, but also pays directly through cesses which are imposed upon him, and indirectly through the jute tax and customs and excise in selling his one money crop and in purchasing articles which are necessities for his life.

Therefore, Sir, when we take everything into consideration, the burden of taxation on the agriculturist in Bengal is greater than he can bear. The incontrovertible evidence of that is given by one simple fact. In spite of his best intentions, there is a constant deterioration in his debt position and he is continually getting into arrears. I will not agree with Dr. Mookerjee if he says that the agriculturist is in a position to pay off his debts but he won't do so. If it is suggested that it is out of sheer perversity that he does not pay his debts to the *mahajans* and his rents to the landlords, I would ask: is it out of the same perversity that he with his family lives on half rations all his life? I am sure even Dr. Mookerjee will not suggest that this is so.

Then, as regards *salami* and *nazarana*. They have, no doubt, been abolished by legislation; but in an indirect manner they exist and will exist so long as the demand for land is greater than the supply. These illegal exactions cannot be spirited away by Statute. Once the Permanent Settlement has been abolished and industries developed in Bengal, then and then alone will economic rent gradually emerge and then and then alone can we talk of the equities of rent between different provinces.

I am quite conscious that the abolition of the Permanent Settlement and the acquisition of the interests of all classes of rent-receivers by the State will not by itself bring in the millennium. This has been stressed by Khan Bahadur Abdul Karim; but I would point out in reply to him that such abolition will at any rate bring the State face to face with the cultivator. It will help the cultivator to stand on his own feet and give him a better chance by, firstly, making available to the State all future increments in land value. At present, the zemindars enjoy all unearned increments. Subinfeudation is due to unearned increments and leads to the creation of parasitic classes. I do not refer to any individual but only condemn the system which brings into existence classes which contribute nothing to the economic productivity of the province and live by encroaching upon the fruits of other people's labour. Surely, a society in which so many are unproductive is in a most unhealthy state.

The second point is: If State acquisition is effected, there will be a more equitable distribution of the tax-burden according to the principles of progressive taxation. At present, it is just the reverse. The rate of rent is light at the top and is heavier as we go down in

the scale. In fact the pargana rate is very low. A zemindar has to pay perhaps annas 12 or only a little more, but when we come down to the *bargadar* or under-*raiyat*, we shall find that a *bargadar* has to pay perhaps Rs. 14 or even Rs. 16 per acre. Therefore, the principle under the Permanent Settlement seems to be: more burdens will be imposed on them who cannot bear the burden and those who are in a position to bear more will pay less. If the State by acquisition comes face to face with the cultivator, this regressive taxation will disappear.

The third point in favour of State acquisition is this. It will release a considerable volume of capital and enterprise and thus help to create industries which will give employment to many. It will also correct the present unfair discrimination in favour of land in matters of taxation and thus remove one of the major obstacles to the employment of capital for the development of industries. But I have already touched on this point and it is too patent to require detailed elaboration.

The fourth point is that by State acquisition, the State will be in a position to assume the responsibility not only for land but also the peasantry. Dr. Mookerjee has quoted many authorities, both in his report and in his speech, and has been forced to the conclusion that one of the main reasons for Bengal's backwardness in land improvement is due to uncertainty in the apportionment of responsibilities. Proprietorship is divided into many interests and diverse stages, and the result is that we have not developed even the land available to us. I will give one example of that. That there is no proper utilization of the resources available can be proved by the fact that 3·75 million acres of arable land still remain uncultivated in Bengal. They cannot be brought under cultivation, for nobody is willing to undertake the responsibility. If the State acquires all interests in land and becomes directly responsible for the welfare of the land and the peasantry, then large-scale reclamation measures will be taken which will change the face of the province. Let me refer to another fact which Dr. Radha Kumud Mookerjee has himself pointed out, namely, that in Bengal we have only 7 per cent. of the land under irrigation as against 54 per cent. in the Punjab. In pointing this out Dr. Mookerjee has advanced a very fine argument in support of State acquisition of the land instead of leaving it to the anarchical inclinations of individuals who are not only irresponsible but are also very often ignorant of what their actual obligations are.

The last consideration in this connection is that State acquisition of all landed interests would curtail litigation and save the cultivators from the complexity and harassment from which he suffers to-day on account of the multiplicity of petty over-lords. This also is a point which is so obvious that I need not elaborate it at length. The present

system of land-tenure in Bengal is one of the most complicated in the world and involves not only litigation and economic loss to the peasantry, but militates against conditions of improvement as we have already seen.

On economic grounds, the case for the abolition of the Permanent Settlement and the resumption of all the lands by State is unanswerable. I will now examine the question of financial liability and the constitutional position. I propose to take up the constitutional position first and then examine the question of compensation. The financial position is intimately connected with the question of compensation and compensation depends upon the constitutional issues involved. The problem of compensation I propose to examine from three different points of view—the point of view of the individual and his right to compensation and thereafter from the point of view of the Government of India Act, and lastly from that of the duty of the State.

Sir, the constitutional problem has been stated on page 42 of the Report and I do not want to repeat it. I will only say that this answers most of the objections raised till now. Mr. Ross was very particular about freedom of contract but I will quote for his information a passage from the Leeds lecture of Thomas Hill Green who is a recognised authority even in his own land. I am referring to Green's lecture on "Liberal Legislation and Freedom of Contract" which was the basis of the entire tenancy legislation of Mr. Gladstone's Government in respect of Ireland. It was also the basis of his legislation with regard to Land, Health, Education and Prohibition in England. Now, Sir, with regard to the freedom of contract, Green says:

If the ideal of true freedom is maximum of power for all members of human society alike to make the best of themselves, we are right in refusing to ascribe the glory of freedom to a state in which the apparent elevation of the few is founded on the degradation of the many, and in ranking modern society, founded as it is on free industry, with all its confusion and ignorant licence and waste of effort, above the most splendid of ancient republics.

If I have given a true account of that freedom which forms the goal of social effort, we shall see that freedom of contract, freedom in all the forms of doing what one will with one's own, is valuable only as a means to an end. That end is what I call freedom in the positive sense: in other words, the liberation of the powers of all men equally for contributions to a common good. No one has a right to do what he will with his own in such a way as to contravene this end. It is only through the guarantee which society gives him that he has property at all, or, strictly speaking, any right to his possessions. This guarantee is founded on a sense of common interest. Every one has an interest in securing to every one else the free use and enjoyment and disposal of his possessions, so long as that freedom on the part of one does not

interfere with a like freedom on the part of others, because such freedom contributes to that equal development of the faculties of all which is the highest good for all. This is the true and the only justification of rights of property. Rights of property, however, have been and are claimed which cannot be thus justified. We are all now agreed that men cannot rightly be the property of men. The institution of property being only justifiable as a means to the free exercise of the social capabilities of all, there can be no true right to property of a kind which debars one class of men from such free exercise altogether.

Mr. PRESIDENT: Order, order. Mr. Kabir has already spoken for more than 20 minutes. To-day is the third day of the discussion and there are still half a dozen members desirous of speaking. They will not perhaps have even ten minutes each if you continue further.

Mr. HUMAYUN KABIR: May I know, Sir, how many minutes more I have got?

Mr. PRESIDENT: As I have already said, you have already spoken for more than twenty minutes and therefore I hope you will conclude your speech as soon as possible.

Mr. HUMAYUN KABIR: All right, Sir. In that case, I will merely state my points and refrain from developing the argument.

What I have quoted so far ought to answer Mr. Ross's contention about the freedom of contract, and I may say that the principle enunciated in the above quotation has been actually applied in England with regard to labour, education, health, and specially with regard to land. The remarks of Green on land would have been specially pertiment to our question to-day. But time will not allow me to quote any further extracts from his book. I will only say that the special characteristics of land demand that it be acquired by the State before any other form of property

Now, I come to the question of compensation. In principle, I am opposed to compensation. So far as the right of the individual to compensation is concerned, I am against it for the following reasons:—

Firstly, if expropriation took place, that was in 1793. I am not going into the details about respective rights, but out of the conflicting evidence one thing is clear. Neither the State nor the landlord nor the tenant had an absolute right in land. All had a qualified ownership and to that extent, the Permanent Settlement, gave new rights to the landlords by expropriating tenants.

Secondly, Sir, the landlords did not acquire estates out of philanthrophy, and have already made sufficient and more out of their

property. Nor can the landlords appeal to equity on this point, because the landlords did not themselves observe equity. At the time of the Permanent Settlement, they paid about three crores but to-day they pay about thirteen to sixteen crores, a net increase in their rent by 10 to 13 crores. In any case, the series of Tenancy Acts are in themselves evidence that the State thought that the landlords did not observe equity. Those who appeal to equity must come with clean hands and the landlords' hands are not clean. This, Sir, disposes of Mr. Ross' argument.

Thirdly, as for improvements, if any, effected by landlords, it was done by landlords to earn a return on capital and has in most cases been amortised. Landlords capitalised the increment and walked away with it if and when they sold out.

Fourthly, Sir, if you take the question of hardship to the recent purchasers, I may say that they certainly deserve our sympathy; but even they have no right to compensation. Like any other business venture, they speculated in property and they have failed. Theirs is a hard case but so is the failure of any other businessman. Like other businessmen, they too have no right to compensation.

So far as individual right to compensation is concerned, I believe that the individual has no such right. It has been said that section 299 of the Government of India Act, 1935, gives the individual a right to compensation; but if it is looked at carefully, the landlord will find that he has a very poor consolation in the Government of India Act. We want that Act to go, but till we have succeeded in ending it, it compels us whether we will or not. Section 299 only provides that compensation must be paid, but it says nothing about the amount or principle of compensation. These can be decided by the local Legislature. Therefore, section 299 is less of a defence than landlords seem to think. Hence, the right of compensation granted in section 299 is a broken reed for landlords, but higher expediency or equity demands that the State must see that one section of its members do not needlessly suffer. The State must make provisions for the absorption of the landed classes into the economic life of the country as easily and smoothly as possible. Hence, after the right of the individual has failed, the duty of the State steps in to provide for those who constitute its members.

The State must, therefore, provide facilities for the interim period. I largely agree with the suggestions which have been put forward by my friend Khan Bahadur Saiyed Muazzamuddin Hosain and would request the Government to examine them carefully.

I feel I must comment briefly on the proposals in the Report. The Commission's recommendation for a flat rate is unjustified, because, as we have seen, the basis on which they made their calculations is wrong. They thought in terms of property which we have seen is

without justification. We must provide in terms of the necessity to allow the landed classes to adapt themselves to changed times and become useful and productive members of society. Nor is the plea of difficulty advanced by the Commission tenable. Records of revenue and rent rolls are available and the Commission itself recommends that a new set of record of rights should be prepared, at an expense of five crores or more. This will enable the State to pay annuities according to the necessity of the different parties and make necessary changes in the flat rates of compensation.

Then, Sir, with regard to payment in cash. The Land Revenue Commission recommends payment in cash; but advances arguments which go against that recommendation. Such large-scale payments would disturb the money market and jeopardise industrial development. It would lead to extravagance and wastage and speculation, especially in view of the past habits of the landlords. I would suggest therefore that payment should be made by annuity bonds. My honourable friend Khan Bahadur Saiyed Muazzamuddin Hosain also suggests payment by annuity bonds. But I cannot accept his scheme in full and would suggest the following modifications. The annuity bonds should be on the basis of half of the difference between gross collection and the actual rent or revenue liability. Since the landlord is saved from the hazard of management or collection, I think he would be quite willing to take 50 per cent. of his present earning, and the annuity would tend to approximate to that. At the beginning, instead of 30 per cent. of the gross collection, 50 per cent of the difference between gross collection and rent or revenue liability should be allotted to the landlord; but this must be decreased by a fixed percentage every year so that at the end of 25 years or so, the annuity will be reduced to nothing. The percentage saved every year can be transferred to a reserve fund, so that at the end of 25 years, the landlords will have no further claim on the State and the State will have no further liability for them.

In addition, the State will have at the end of the period a huge fund for the development of industries. In fact, this fund will become considerable by the end of four or five years and will continually increase and may be utilised for irrigation, electrification, communication and housing, to mention only a few among many possible types of industrialisation. And all these will employ labour and thus solve the problem, not only of agricultural but also of middle-class unemployment. Also, in the course of 25 years, the landed classes will have an interval during which they can adapt themselves to the changed order of the times. Now, Sir, if this be thought harsh, I would only repeat what Khan Bahadur Abdul Karim pointed out. It is also recognised implicitly in the Revenue Commission's Report. The Permanent Settlement cannot function by itself but is bolstered up by the Court

of Wards and other special legislation. If these are removed, in the course of a few years and automatically, the Permanent Settlement will go. If the State does not grant landlords special facilities—for Revenue sales and Certificate sales and if it does not take the estates into the Court of Wards, can the Permanent Settlement continue? This will be apparently a less drastic method of resumption because it is more gradual, but only apparently. In fact, it would be far more drastic for the landlord, for it would mean loss of estates without compensation or the compassionate pension suggested in my scheme. Which will the landlords choose?

Mr. PRESIDENT: The honourable member should now conclude; he has spoken for about half an hour. There are others who will not have even 5 minutes to put forward their views.

(Mr. Humayun Kabir then resumed his seat.)

Mr. BIRENDRA KISHORE ROY CHOUDHURY: Sir, I am glad that an opportunity has been provided for the consideration of the Report which was submitted to the Government by the Bengal Land Revenue Commission more than a year ago. I am also glad that the Report of the Special Officer, Mr. Gurner, who was appointed to investigate as to the feasibility and practicability of the recommendations of the Floud Commission has also been made available to us. He toured through the districts and in the light of the facts which he collected, he formulated his views and submitted them to the Government. It is, therefore, in the fitness of things that we have the opportunity of considering the observations of Mr. Gurner along with the recommendations of the Commission.

I am, Sir, emphasising the report of the Special Officer not merely on the important ground which I have cited just now but also on the more important ground that it has helped us considerably in appreciating the incomplete and haphazard character of many of the conclusions of the Commission.

The recommendations made by the Commission are, Sir, startling both in their revolutionary as well as in their naive and impractical character. A Commission like the one whose Report is before us to-day may not be, strictly speaking, a judicial body but its procedure should be, as far as possible, judicial in character. It was, on this account, expected that the recommendations of the Commission should be based, as far as possible, on the evidence supplied by the witnesses who were called in for examination. It is regrettable, Sir, that most of the important recommendations of the Land Revenue Commission are at variance with the general trend of the evidences which were submitted to it and which have now been published by the Government.

When a drastic recommendation like this was made by the Commission it ought to have seen if it was tallying even in general with the trend of evidences submitted by the different witnesses. It is unfortunate, Sir, that the Commission in making this recommendation ignored the opinion of most of the senior officers of the Government. Mr. W. H. Nelson, Member, Board of Revenue, Mr. F. W. Robertson, Chairman, Public Service Commission, Rai Bahadur B. B. Mukerjee, formerly Director of Land Records, to mention only a few, were definitely opposed to the abolition of the Permanent Settlement and to the revolutionary change which it would involve in the economic structure of the province. Among the other witnesses again not only those who appeared on behalf of the associations of the zemindars, but also all independent persons who appeared before the Commission, were similarly opposed to such a suggestion by the Commission. But in the teeth of this opposition Sir Francis Floud and a majority of his colleagues have seen wisdom in recommending the abolition of the Permanent Settlement and the zemindary rights.

The Commission, Sir, has again calculated that if compensation is paid to the rent-receivers at ten times the net profit, the Government by acquiring the zemindary estates will have nearly two crores and a quarter as annual profit, a sum which may be spent for welfare work among the people. In the first place, Sir, it is vey regrettable, though not surprising, that the Commission could not attain unanimity regarding the rate of compensation. "The rate which receives more support than any other is ten times the net profit", so observed the Commission. But this proposal has been hotly contested by the other members, two of whom want compensation to be fixed at 20 times, if Government purchase is decided upon at all. Two others, Sir Frederick Sachse and Mr. M. O. Carter, also think that grave injustice will be done to the rent-receivers if the compensation is not settled at least at 15 times. When, Sir, the scientific principle of compensation is abandoned, it is but natural that there will be no end of controversy. I do not understand why the principles observed under the Land Acquisition Act were rejected by the Commission in this regard. It has practically assigned no reason for this rejection. Nothing in fact, Sir, illustrates the character of the Commission better than the unholy zeal its majority has shown in fixing an arbitrary rate of compensation to suit the convenience of the Government, irrespective of the testimony of witnesses and the inherent justice of the case.

Secondly, I should also point out here that the data on the basis of which the Commission has calculated that after paying the compensation at ten times the net profit, the Government will have an annual extra income of nearly two crores and a quarter do not tally with the data supplied by the Finance Department of the Government

itself, which points out that the expected gain to the Government on this basis of compensation is likely to be only 65½ lakhs, and not 2 crores and a quarter, as the Commission thinks. But if the compensation was to be paid even at the rate of 15 times, which Sir Frederick Sachse, Mr. M. O. Carter and Mr. Gurner regard as proper and just, the Government will be loser to the extent of 69½ lakhs. It is easy for a determined majority to delude the gullible people as to the wisdom of nationalisation by inflating the possible profit which the Government will make by abolishing the Permanent Settlement. But, Sir, is it not wise for the Government to look before they leap?

The Commission has made another recommendation which, if given effect to, will not affect so much the interests of the big zemindars of this province, as it will affect those of the large middle as well as peasant classes in Bengal. The Commission has suggested that all *bargadars* "should be declared to be tenants". At present many middle class as well as peasant families which own agricultural lands have them cultivated not by themselves nor through labourers and workers under their control, but through *bargadars*. The latter, in return for the work which they do and the plough, the cattle and agricultural implements which they supply in this connection, receive half the portion of the produce. This is an arrangement which is advantageous as much to the families which own the lands, as also to those peasants who cultivate them as *bargadars*. Particularly this arrangement is suitable to those families which have no grown-up male members to manage their property.

In case all *bargadars* are declared tenants, it will only bring about a revolutionary change in the economic life of our countryside. In the first place, Sir, widows and minors will find it immensely difficult to manage the agricultural lands which they may happen to own. They will be required either to let them out to tenants, in which case their income will considerably fall, and it would be difficult for them to make both ends meet, or they may be compelled to place themselves under the guidance of unscrupulous relatives who will defraud them of their rightful gains. In fact, Sir, I believe that this recommendation of the Commission in respect of the age-old system of *barga* is not only unwise but also mischievous. Besides, I have never understood the grounds on which the champions of the *bargadars* have taken their stand. They are loud in their lamentations over the existing fate of the *bargadars*. But what is the actual position? The *bargadars*, it should be known, do not spend a farthing in acquiring their right to cultivation. They do not in fact invest any money in their land. The difference between them and ordinary labourers is only this that while the latter are paid in cash, the former are paid in kind. If the *bargadars* are to be declared tenants with all the rights which tenancy

now involves all labourers who work in mills and factories may also claim that they are the owners of those concerns subject only to the payment of a fixed royalty to the original owners.

The Land Revenue Commission has devoted a chapter to the study of the economic conditions in Bengal on a comparative basis. The results of the enquiry which was set up in this connection have been as they were expected to be. In fact, nothing extraordinary has been brought out by the special enquiry of the Commission. That the economic conditions of the rural population in Bengal are far from satisfactory, nobody denied before and none can deny to-day. The chief causes of this backwardness are, however, to be found not in the Permanent Settlement, but in other factors of the economic organisation of Bengal. The rate of rent which the tenants happen to pay to the zemindars is almost the lowest in the whole country. While the average income from a *bigha* of land is Rs. 20, the rent payable to the zemindar or *talukdar* hardly exceeds Re. 1. None would say that this is a great burden. In case the estates are nationalised and taken over by the Government, will this rate be lowered? I can visualise the pressure which will be brought to bear upon the Ministry for reduction of rent, which I may repeat, is the lowest in the whole country. Will the Ministry yield to this pressure? If it yields, it will either hold up all constructive work in the province or it will impose more burden upon non-agricultural classes of people. Neither of these alternatives will be pleasant. But possibly, Sir, the pressure of the inevitable will compel the Government not to reduce the existing rent but to increase it further. In other words, Sir, the abolition of the Permanent Settlement, instead of lessening, may only increase the burden of the tenants.

The causes of the abject economic condition of the peasantry will, as I have already pointed out, have to be sought elsewhere. They are to be found in the fragmentation of the agricultural holdings of the peasants, in the fall in prices of agricultural products, and lastly in the absence of industries which may be carried on hand in hand with agricultural work in the countryside. The members of the Land Revenue Commission knew it full well that the mere abolition of the Permanent Settlement will not by itself cure the province of the ills from which it is suffering. Such abolition may satisfy the fad of some economic and political iconoclasts but it will not bring about an economic regeneration of the people of this Presidency. For this, comprehensive efforts in other directions have to be made and Permanent Settlement does not stand in the way of such efforts being made but we may scan the horizon in vain to get a glimpse of any such efforts on the part of the Government.

It has been suggested, Sir, that such an all-round improvement in the economic conditions of the Bengal peasantry will entail an expenditure which cannot be met from the normal revenues of the Government. An extraordinary income from certain other sources will have to be raised if anything concrete is to be done for the welfare of the masses. To this end the Land Revenue Commission has proposed that if the Government does not at once decide upon the abolition of the Permanent Settlement and upon compulsory purchase of the estates, an agricultural income-tax should be meanwhile imposed in this province. It is true, Sir, that in violation of the solemn promise of 1793, cesses have been imposed upon agricultural property and what is more, recently a tax upon agricultural income has also been levied in the two neighbouring provinces of Bihar and Assam. It is not necessary for me on this occasion to enter in any detail into either the legality or the equity of the proposal for a tax upon agricultural income of the people of Bengal. I should, however, point out that the Primary Education Act of 1930 is being operated in a number of districts in this province and in these areas people living directly or indirectly upon agriculture are being subjected to a new cess known as the education cess. It is true that the Assam and Bihar Legislatures have gone out of their way to impose a tax upon agricultural income, but it should be borne in mind that in those provinces agricultural resources were not shackled already by the new education cess. But Bengal is not only required to pay the old public works and road cesses but also a new cess on account of education. In view of this it may not be easy, Sir, to justify the levy of the fresh tax upon agricultural income as the Commission has proposed. The levy of agricultural income-tax as a stop-gap arrangement and as a temporary concession to the opponents of Permanent Settlement is again, Sir, particularly objectionable. The value of the zemindary estates has already been depressed by the tenancy laws, by the abolition of the transfer fee, by the imposition of the education cess and by the publication of the recommendations of the Floud Commission. It will be further depressed still by the levy of the income-tax. In view of this, Sir, if the intention of the Government is ultimately to buy out the estates, I would rather ask them to do it now before the value is further depressed than later—when it has been so depressed by the levy of the income-tax. That will be at least an honest and a fair deal. But to impose one financial obligation after another upon the estates, pending their ultimate nationalisation, will not be only unfair but oppressive to a minority. Even Mr. Gurner in his Report has tried to bring home to the Government the inequitable character of such a tax as a stop-gap arrangement.

I should also emphasise, Sir, the fact that already the revenues of this province have increased by nearly 40 per cent. since the middle

thirties. The Commission, when recommending an agricultural income-tax for improving economic condition of the Bengal peasantry should first of all have been sure as to a satisfactory account of the additional income which the Government has already enjoyed for the last four years. Although we find that the income of this province has increased by more than four crores, virtually speaking nothing has been done so far for the improvement of the countryside. In the fields of public health, of industrial regeneration, of organizing a machinery for more profitable sale of agricultural commodities, nothing, tangible and concrete, has been done during these years of provincial autonomy. How did the Commission become sure, Sir, that the money raised from agricultural income-tax will not also be frittered away as aimlessly as the additional income accruing to the provincial treasury has been since 1937?

Before I sit down, Sir, I should emphasise the fact that the Permanent Settlement has been in existence for one hundred and fifty years and the zemindary system has been worked in this province from time immemorial in this fair province of Bengal. There is hardly an aspect of the social and economic organisation in this part of the country which has not been basically influenced by this system. A high percentage of the Bengali captial has been sunk in zemindary estates. Several hundred thousand middle-class men are employed in one capacity or another under this system. The future of the Permanent Settlement is on this account at least a major problem. It is regrettable to find that the Land Revenue Commission which was entrusted with the great responsibility of solving this great problem discharged it in so slip-shod a fashion as to invite severe criticism even at the hands of a Government officer like Mr. C. W. Gurner. It is more regrettable, Sir, that there are people in this province, even people in responsible positions and expected to evaluate things better, talking very lightly about the future of our land system. I have heard some of them speaking about the recommendations of the Floud Commission, as if their incomplete and haphazard character has not been brought out by the Special Officer in his penetrating Report. I have heard some others again advocating with gusto the Government purchase of landed estates at ten times or even at five times the net profit, according as their whims may dictate. I would remind these gentlemen that they are not dealing with the fate of a conquered territory and a group of conquered people at their mercy. They should never forget, Sir, that they are deciding the future of an economic and social system with which our civilisation is so intimately and inextricably bound up. In this connection, I should also refer to some of the observations made by a few of our colleagues in this House. They have referred to the zemindars as mere farms of revenue. By this, they seem to have tried to give out the impression that the zemindars have secured their rent receiving rights through the favour of the Government. But, Sir,

I should emphasise that no impression is more erroneous and no view of the zemindars' position more incorrect than this. More than 90 per cent. of the present zemindars and *talukdars* of Bengal have acquired their rights of large investment in land. Sometimes, the savings of a whole life have been so invested. Before deciding upon the question of compensation, this fact should never elude their attention.

Mr. DHIRENDRA LAL BARUA: Sir, the Floud Commission's Report and the scheme for implementing its recommendations are now before this House for consideration and observation. The recommendations contained in the report are after all those made by the majority of the members. Unanimity could not be reached on some of the vital issues. The majority recommendations, it appears, are decidedly in favour of the abolition of the Permanent Settlement system, and of State purchase of zamindary rights in all its degrees and forms. At the very first sight, the recommendations are of a revolutionary character, so much so that one is apt to feel as if one is going to find one's self in a glorious paradise by radically eradicating all evils by a single stroke of the legislative power of the Provincial Government. All revolutionary schemes are bound to appear as Utopian on their practical side. The problem involved is whether we should endeavour to try to improve further the existing system by gradual reforms, wisely conceived and cautiously introduced or we should completely upset it and substitute for it another system which has not yet been experimented with and is therefore of uncertain results. It has been pointed out by various speakers on the floor of this House that one of the immediate effects of the provisions of the Permanent Settlement regulations was the promotion of the erstwhile rent collectors into the rank of the owners of the soil, automatically reducing the actual owners by law and custom into a subordinate position and placing them at the mercy of the zemindars and State officials. Even assuming for a moment that this was the immediate result of the system, I may enquire, are there not other glaring instances where temporary measures adopted have come to stay on, seriously affecting the financial interest of the citizens? I may mention for instance the levying of income-tax in this country. I shall however be the last man to admit it as a fact that the peculiar form of the zemindary system in Bengal was only the creation of the Permanent Settlement regulations. When the East India Company took over the administration of this province, its directors had to proceed slowly and cautiously by legalising and stabilising the then existing land system. Even in the good old days of India there were feudal chiefs and hereditary land owners who collected land revenues and paid the share of the estates above them to the State. Even assuming for a moment that the present zmindary system is a parasitic growth in Bengal, it will be found that

it has come to hold its own during more than a century and a half and has served as a very important basis of social economy and a foundation of the culture of Bengal. Apart from being the rent collectors and privileged enjoyers of middlemen's profits through generations, the zemindars as a class have been the custodians, patrons and encouragers of the literature and general culture of the province. They have been the centres of joy and prosperity of the rural as well as urban areas. Those who cite instances of highhandedness and oppressiveness on the part of the zemindars would seem to look only to one side of the shield. But there is the other side in which the zemindars may appear as best patriots and wise distributors of wealth as well as maintainers of the internal order and peace and harmony in our social life. The instances cited refer to things in the past. Meanwhile the things are entirely changed. The prosperity and happiness of the zemindars with all the intermediaries and underlings has become a thing of the past. As a class, they have fallen on evil days. The rate of land revenue in Bengal, I may observe, is far less in comparison with that of other provinces where the Permanent Settlement is conspicuous by its absence and the tenants either do not care to pay the revenues in time or find themselves unable to pay. There seems to be something absolutely wrong in their habits of life. Unless that nature of the raiyat is changed, and you substitute State officials for the zemindars, there is no wonder that they will prove themselves far more tyrannical and oppressive than the persons who stand condemned.

I for myself am not in favour of quoting scriptures in dealing with a problem which is secular. But if I may be allowed to quote the authority of my own scriptures, I may quote the following precious words of Lord Buddha who in pronouncing his opinion on the welfare of a nation or a community said, "As long as welfare of a nation or community will not radically upset that which has held good as a custom and will not peremptorily introduce any novel project in its place, so long they may be expected to prosper and not to decline". To my mind the present time is inopportune for launching upon any such ambitious and revolutionary scheme. The mere shifting of powers from one hand to another without a real improvement of the national character of the people is calculated to do more harm than good——

Mr. PRESIDENT: The honourable member should now conclude.

(The honourable member at this stage resumed his seat.)

Rai Sahib JATINDRA MOHAN SEN: Mr. President, Sir, I have not sufficient time at my disposal to deal with the various points raised by my friends in this House. But all the points that can be said for

and against have been thoroughly said and so I do not want to repeat any of the arguments which have been advanced by my colleagues here.

Before I take up one or two points, I must congratulate the Hon'ble Revenue Minister on the correct attitude he has taken with regard to the report about expression of any opinion. My humble opinion is that if Government had expressed an opinion, then the debate would have been lifeless and there would have been no utility for any party to discuss it and there would have been no necessity of a debate in this House.

With regard to the question whether the Permanent Settlement should go and the land should become the land of the State, my humble opinion is that the abolition of Permanent Settlement would amount to what is called the nationalisation of lands in the country. This in my humble opinion is a huge problem which ought not to be taken up before our country is thoroughly and absolutely independent. These are experiments which were taken up only in Russia and to some extent in Ireland; but those are independent countries. Moreover, Russia is going through a severe test and even if the experiment is successful there, that does not suggest that a small province like Bengal will work it successfully as a dependency. Therefore, my opinion is that this is not the opportune moment for the purpose of nationalisation of the land. What we should do is to frame appropriate legislation for the purpose of the amelioration of the condition of the tenants, for the improvement of the society and for taking all sorts of utility measures that may be necessary at the present moment. The abolition of the Permanent Settlement or a measure like that would be a huge problem. The middle-class people will be greatly affected. They may be a minority community but they are a very strong community and abolition of the Permanent Settlement would create a chaos and confusion which in my opinion the present Government, constituted as it is, would be absolutely helpless to control. I beg to draw the attention of the Government and of the honourable members of this House to this point.

My friend Mr. Humayun Kabir and other friends, who have spoken about the future which would brighten up if the Permanent Settlement is done away with, should consider seriously whether the consummation they wish for can be obtained in the present circumstances of the province, when we as a nation even now are not in a position to dispense justice between one community and another. And, therefore, my humble opinion, Sir, is—and I express it also very humbly—that this is not the time when such a huge problem can be tackled in this way. As regards compensation, Sir, some of my friends have said that the zemindars have been long in possession and they have also had great advantages both socially and economically and therefore they should

not be given any compensation whatsoever. I should submit, Sir, that that would not be really doing justice to them. They have got property in the lands and property must have value and therefore in order to take the property from them there should be not only moral but legal liability to pay. This point ought not to be lost sight of. As regards my friend Mr. Humayun Kabir's contention that they have not done any justice to the tenants and therefore they cannot now plead equity in their favour, my submission to the House is that if they go through the record of this Report, they will find that they have given large amounts of contribution in all matters, in education, in water-works, in sanitation, in irrigation, in every sphere of life they have contributed large sums of money and it cannot be said, Sir, that their existence had been all along in vain. They have now fallen on bad days and all sorts of imputations are now being made against them, but my request to this House is: do not give them a bad name and then hang them.

Rai Sahib JOGENDRA NATH ROY: Mr. President, Sir, the Government has introduced the two reports in the two Houses for discussion among the honourable members. It has kept an open mind and it asks us to believe that it has not yet formed any opinion. It says that it will form its own conclusion after hearing the discussions among the honourable members. Such indecision, Sir, on the part of the Government especially in a matter of such importance is certainly not very encouraging. Floud Commisison was appointed in 1938 and its report along with the Special Officer's recommendations were in the hands of the Government for more than a year, but even within this one full year the Government has not been able to make up its mind. The proper procedure on the part of the Government should have been to come to the honourable members of both Houses with a clear-cut decision, chalking out clearly the line of action that it proposes to follow, and then to have it modified or improved in the light of the general trend of debates on the floor of the Houses. The Government should have appeared before us with all its cards open on the table so that we could have been assured of its *bonâ fides*.

Now, Sir, coming to the recommendations of the Committee regarding the purchase of all intermediate interests of land-owners by the State, the first question that arises is whether the present time is opportune for initiating these changes and whether the financial position of the Government is such as to enable it to begin them now or even in the near future. In my humble opinion, Sir, it seems that it is now quite possible to launch upon these innovations. The immense difficulties that lie ahead in the matter of effecting revolutionary changes in the land system of Bengal were fully known to the Hon'ble Ministers. They also fully knew that to effect any change in the

land system of Bengal, such as the abolition of the Permanent Settlement was not only physically but also financially imposible at the present time or even in the near future. Why then they set up this Committee at such huge expenses knowing full well that its recommendations—whatever that may be, excepting of course the imposition of additional burden of taxation on the agricultural income—are impossible to be carried out.

However, relying on the well-known dictum that it is no use crying over split milk, I now turn to some of the recommendations of the Committee. It has recommended that the zemindary system should be abolished and the State should purchase all interests in land excepting those of the cultivators. The recommendation has been made chiefly for the amelioration of the condition of the agriculturists. The zemindars have been accused of gross negligence and ill-treatment towards the cultivators. But I believe, Sir, that these charges are not borne out by facts. The fact that Bengal to-day contains the largest number of educated men in India is mostly due to the Permanent Settlement. The net work of schools and colleges that we find to-day throughout Bengal is principally due to the substantial financial help of the zemindars. Similar are the cases of hospitals, public thoroughfares, etc. All these institutions will surely be closed down if the zemindary system is now abolished. The question of financing these institutions by the State after it has purchased the zemindaries is certainly a matter of distant futurity, for the State will take a long time yet to adjust its finances so as to be able to help the upkeep of these institutions.

Then again, Sir, the cultivators of Bengal are all illiterate and extremely poor. Due to uncertainty of weather and crops, it is not practically possible for most of the tenants to pay their rent regularly every year. Under the present zemindary system, most of the tenants of Bengal are in arrear of their rent for two or three years or more and they pay it by instalments. But once the State takes over the charge of estates, the tenants will be bound under strict law (similar to the present sun-set law) to deposit their rent at fixed times irrespective of all sorts of untoward circumstances that may befall them from year to year. Will the tenantry of Bengal—so poor and so illiterate—be able to bear this burden and will it be a sound and wise policy for the Government to make itself dependent on such insecure, indefinite and fluctuating income? Therefore, Sir, it is my definite opinion that in the case of the State purchase of the landholders' interests, the hardship of the tenants in general will be far more acute and far greater in the matter of paying their respective rents than what they now suffer under. So, instead of lessening the hardship of the tenants or ameliorating their condition, the principle of abolition of zemindary system will add to them in no small proportion.

Besides, what has been said above the abolition of the Permanent Settlement will be a distinct breach of contract nd solemn promise on the part of the Government established by law in British India. When this settlement was effected, the Government and the landholders bound themselves solemly under a contract to abide by it. Is it not rather ridiculous and contradictory that the sanctity of contract which the Government is so scrupulous to observe in one case will turn in another on to be nothing but "a mere scrap of paper" possible to be turn out at its sweet will? Therefore, at least from this stand-point—if not from the legal side there should not be made any attempt on the part of the Government to violate this sanctity of agreement that was once contracted by them with the landholders. It is said that the tenants were no parties to the Permanent Settlement. But it was not necessary that they should have been parties to it, because the tenants had all along been holding their lands under the zemindars and paying rent to them. There was, therefore, no change in the condition of the tenants. Moreover, the rights of the tenants were not also affected; on the contrary, the Government reserved to itself the right to legislate for the benefit of the tenants and has been, as a matter of fact, safeguarding the interests of the tenants ever since the Permanent Settlement by passing tenancy laws.

It is a travesty of truth to say that the Permanent Settlement has crippled the financial resources of the country. A secured tenantry, a strong middle-class and an affluent aristocracy emerged out as a result of the Permanent Settlement. This has directly benefited Bengal by raising the taxable capacity of her people. The prosperity of the people is an asset to Government and if the State considers itself a loser in the shape of land revenue, that loss is more than counter-balanced by increased return in the shape of receipts under stamps, customs and income-tax.

Economically and financially too, the zemindary system should not be touched by the Government at all at least for the present. Can't the Government realise what a great revolution will take place in the society of Bengal and how greatly it will be upset and unsettled, if any attempt towards the abolition of the Permanent Settlement is now made? It will only establish a reign of chaos. Sir, in my humble opinion, it will therefore be quite unwise and unstatesmanlike to introduce a wholesale change in the land system of Bengal in accordance with the recommendations of the Committee, at least for the present time.

Regarding the imposition of agricultural income-tax, I must admit that it will enable the Government to adopt measures suitable for the amelioration of the condition of the agriculturists, provided of course it is entirely ear-marked by the Government for such purpose and is not utilised by it for any other purposes. But in spite of this beneficial

aspect of this tax, I must confess that the present is not at all the proper time for such imposition. If this huge show of a very costly Committee has been made ultimately for no other purpose than for the imposition of this additional tax—may God then help the poor land-owners!

It will also not be out of place to mention here that almost all the Bar Associations of Bengal (which may well be regarded as experts in this matter), all the landholders' associations and prominent persons like Sir N. R. Chatterjee, Mr. F. W. Robertson, Rai Bahadur B. B. Mukherjee etc., were all unanimous that the abolition of the zemindary system would involve a revolution in the social and economic life of the people. The Finance Department of the Government of Bengal has very strongly asserted that "in the considered opinion of the Government no tampering with that framework (*i.e.*, of Permanent Settlement) could in the long run produce financial gain to the State, and be conducive to the financial welfare of the province."

But there is another side of the shield and I must take a note of it. It appears from the trend of discussion on the floor of both the Houses that the major parties are in favour of the abolition of the zemindary system. It may be, therefore, argued that this abolition carries the full confidence and support of the majority of the members of the Houses. Besides this, the current of present thought, which is so largely influenced by socialistic ideas, goes much towards the abolition of this system.

If in view of the above circumstances the Government is forced to adopt measure for the abolition of the above system, then in that case I would suggest to it not to do so immediately on an extensive scale but to take recourse to this middle course, namely,—the Government may, provided it considers itself to be financially strong—at first begin by purchasing small estates of willing land-owners for the present, offering them compensation at a rate not lower than 20 times of the net profit of the zemindary and issuing bonds for the amount of compensation, redeemable by yearly instalments running over several years.

The Government will then be in a position to realise if it will be possible for it (without incurring much financial loss and causing greater hardships to the cultivators) to continue this purchase. The adoption of this system of gradual purchase of smaller estates of willing proprietors at first will enable the Government to avoid risk.

Before concluding my review, I must add a few words on the question of compensation. Various opinions have been expressed in this matter. The Commission has recommended a flat rate of 10 times the net income derived from the zemindaries. Some are of opinion that the rate of compensation should be fixed at 15 times and some (*e.g.*, the Europeans)

have suggested 25 times; on the other hand some members have stated that no compensation whatsoever should be given to the owners because they are not in fact the proprietors of the soil. It must be admitted that the zemindars have lent out big sums of money for upkeep and also for purchase of their respective estates. Now, if they are deprived of their valuable assets, they must be properly compensated. It will be a great injustice to them if they are not now allowed proper compensation which in my opinion must not be less than 20 times the net annual profit of the zemindary. It should be clearly and definitely understood that the payment of proper compensation to the landowners is obligatory to the Government and it shall not in any case shirk its responsibility in this matter. Whatever the circumstances, in case the State purchases the interests of the zemindars they must be paid proper and fair compensation for their consequential loss.

Lastly, the amelioration of the lot of the agriculturists will not be possible only by the State or by the imposition of an agricultural income-tax. There should also be a wholesale change in the position of the particular plots of land.

Mr. PRESIDENT: Order, order. The Council stands adjourned till 2-15 p.m. on Friday, the 22nd August.

Adjournment

The Council then adjourned till 2-15 p.m., on Friday, the 22nd August, 1941.

Members absent.

Following members were absent from the meeting held on the 20th August, 1941 :—

(1) Rai Bahadur Keshab Chandra Banerjee.
(2) Mr. Shrish Chandra Chakraverti.
(3) Mr. Kamini Kumar Dutta.
(4) Khan Bahadur Alhadj Khwaja Muhammad Esmail.
(5) Mr. R. W. N. Ferguson.
(6) Mr. Mohamed Hossain.
(7) Khan Bahadur Syed Muhammad Ghaziul Huq.
(8) Maulana Muhammad Akram Khan.
(9) Mr. W. B. G. Laidlaw.
(10) Mr. J. McFarlane.
(11) Mr. Naresh Nath Mookerjee.
(12) Mr. Ranajit Pal Chowdhury.
(13) Dr. Kumud Sankar Ray.
(14) Mr. Sachindra Narayan Sanyal.
(15) Mr. W. F. Scott-Kerr.
(16) Raja Bhupendra Narayan Sinha Bahadur.
(17) Dr. Kasiruddin Talukdar.

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THE BENGAL LEGISLATIVE COUNCIL DEBATES

Second Session—No. 15.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 22nd August, 1941, at 2-15 p.m., being the fifteenth day of the Second Session, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Cyclone in certain parts of Eastern Bengal.

60. Rai Sahib JOGENDRA NATH ROY: Will the Hon'ble Minister in charge of the Revenue Department be pleased to give the latest information regarding the recent cyclone in the district of Bakarganj and other parts of Eastern Bengal on the points given below:—

(*a*) probable estimate of the value of the property destroyed;

(*b*) number of families affected;

(*c*) number of deaths reported;

(*d*) present condition of the cyclone-affected areas of Bakarganj; and

(*e*) steps taken by the Government to mitigate the sufferings of the people affected?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) It has not been possible yet to estimate the cash value of the loss.

(*b*) Noakhali—About one lakh including families affected by excessive rainfall.

Bakarganj—About two lakhs.

Tippera—About twenty thousand.

(*c*) Noakhali—119.

Bakarganj—2,879.

Tippera—19.

(*d*) Very much better. Almost all *kutcha* houses and most .tin houses have been rebuilt. Agricultural operations are proceeding normally. Except for the damage caused to the betelnut trees and the loss caused to the stocks of grain and clothing, conditions are fast returning to normal.

(*e*) Agricultural loans are being distributed and gratuitous relief is being given freely in the affected areas. Test relief operations in the shape of repair of roads, water-hyacinth and jungle clearance, clearance of betelnut plantations demolished by the cyclone, paddy-husking, etc., have been organised all over the areas affected by the cyclone and flood. These relief measures will continue as long as the distress prevails.

A special loan scheme has been sanctioned for giving relief to the middle-class non-agriculturists in the Bakarganj district.

We have already introduced a similar scheme in the Noakhali district and it is in operation.

The following amounts have so far (up to 11th August, 1941) been sanctioned:—

	Gratuitous relief.	Agricultural loans.	Test relief.
	Rs.	Rs.	Rs.
Noakhali	1,00,000 (including 50,000 for paddy-husking).	12,40,000	35,000
Bakarganj	2,00,300	20,75,000	1,70,000
Tippera	2,11,250 (including 1,00,000 for paddy-husking).	5,75,000	Nil.

A special grant of Rs.1½ lakhs has also been sanctioned for loans to middle-class non-agriculturists in Bakarganj for house-building purposes.

For the organisation of relief work, the affected areas have been divided into a number of relief units of suitable area, and one relief officer has been placed in charge of each unit.

Arrangements have also been made for medical relief, prevention of epidemic, and sanitation. Forty medical units complete with medicines and equipments, and 26 doctors and Sanitary Inspectors in charge of two Assistant Surgeons were deputed to Bakarganj for rendering medical relief. Of these, 35 medical units and two Sanitary Inspectors in charge of an Assistant Surgeon are now working in the district.

Twelve medical units (including two for Noakhali town) complete with medicines and equipments, and 20 doctors and Sanitary Inspectors have been sent to the Noakhali district.

In order to give relief to the proprietors and tenants of private estates as also to the tenants of the Khasmahal estates of the districts of Noakhali and Bakarganj in the matter of payment of land revenue and cesses during the period of distress, orders have already been issued so that the District Officers concerned may take action on the following lines with regard to the affected areas:—

(*i*) No estate should be put up to sale for total or partial default in payment of land revenue for any *kist* till the next harvest. The estates which have already been advertised for sale may be exempted from sale under section 18 of the Sale Law.

(*ii*) No steps should be taken to execute the pending certificates in respect of road, public work and education cesses till the next harvest. Fresh certificates may be filed for the realisation of arrears of such cesses only when they are about to be time-barred, but their execution should be suspended till the next harvest.

(*iii*) If the proprietors of private estates apply for suspension or remission of their land revenue and cesses, action should be freely taken under rules 171, 190 and 192 of the Bengal Tauzi Manual, 1940.

(*iv*) In case of Khasmahal estates, relief should be given to the tenants by way of suspension of land revenue and cesses till the next harvest in accordance with the rules contained in Part I of Chapter XIV of the Bengal Tauzi Manual, 1940.

In regard to the affected areas of Tippera, adoption of similar measures is under the contemplation of Government.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the same rules apply also to the affected areas in the Mymensingh district?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am not quite sure, Sir, because it depends on the intensity of the distress. If we find that the distress is equally intense, we shall be only too glad to extend the same facilities. But honourable members will realize that these are unusual procedures which Government has adopted to meet a very unusual situation and that if the distress at a place is merely a normal distress, we cannot adopt a similar procedure there.

Mr. LALIT CHANDRA DAS: In view of the fact that Tippera is also one of the distressed districts, will the Hon'ble Minister be pleased to extend these relief measures also to Tippera along with Noakhali and Bakarganj?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: We have already done so, Sir. Similar steps have been taken there also.

Mr. LALIT CHANDRA DAS: What will happen regarding the payment of land-revenue for September *kist*? With respect to *Khas-mahal* areas, what arrangements have been made for Barisal?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: In regard to the affected areas of Tippera, the adoption of similar measures is under the contemplation of Government.

Mr. LALIT CHANDRA DAS: It may be under contemplation; but has it been decided upon?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Not yet.

Mr. LALIT CHANDRA DAS: Will relief go to Tippera before September?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Relief is being distributed but with regard to the payment of land-revenue and other things, the matter is under contemplation.

Mr. LALIT CHANDRA DAS: When is it likely that the question regarding the payment of land-revenue be decided upon, so far as Tippera district is concerned?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Very soon.

Mr. BIRENDRA KISHORE ROY CHOWDHURY: Is the Hon'ble Minister aware that in the Bhati area of Mymensingh there has been the same havoc on account of the unusual floods this year, I mean in the Eastern Mymensingh?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: We know that the Bhati area of Mymensingh has been very badly affected this year, but I am not prepared to place it on the same category as Bakarganj or Noakhali or part of Tippera.

Grievances of the workers of certain jute mills.

•61. **Mr. K. C. ROY CHOWDHURY:** Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state—

(*a*) if it is a fact that a petition signed by about 30,000 workmen of the following jute mills—Orient, Albion, Lothian, Budge Budge, Caledonian and Cheviot, under the management of Messrs. Andrew Yule & Co., Ltd.,—was submitted to the Hon'ble Minister through the Conciliation Officer of the Government of Bengal, Labour Department, on the 11th July, 1941, drawing attention of the Government to their grievances; and

(*b*) if the reply to part (*a*) be in the affirmative, what were the contents of the said petition; and what actions have been taken or are intended to be taken by Government in this matter?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) Yes. Such a petition was received by post by the Conciliation Officer.

(*b*) The petitioners asked for the appointment of a Conciliation Board for relief in view of the increased cost of living due to the rise in the prices of certain essential commodities.

The petition is now being considered by the Conciliation Officer. Government will decide what action to take on it on receipt of the Conciliation Officer's recommendations.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Is the Hon'ble Minister aware that the cost of living has gone up by over 50 per cent. since the outbreak of war and is it not high time that the Conciliation Board or Conciliation Officer should give serious attention to this matter?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I am not aware that the cost of living has gone up by that amount. As a matter of fact, Sir, the answer to the next question will convey to the honourable member that the index is now 116 as compared with 100 on the 1st September, 1939, the month in which the war started. The jute-mill authorities have given certain reliefs but whether those are sufficient to meet the situation or not, I am not aware. The question whether further relief is necessary is being considered by the Conciliation Officer as well as by the Government.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Is the Hon'ble Minister aware that the price of rice has gone up from Rs. 5-4 to Rs. 7-8 in course of the last few weeks?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, Sir. But rice is not the only commodity by which we can ascertain whether the cost of living has gone up or not.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Will the Hon'ble Minister please state how long will this Conciliation Officer take to come to a decision?

The Hon'ble Mr. H. S. SUHRAWARDY: Unfortunately, the Conciliation Officer to whom this matter was referred is no longer the Conciliation Officer. He has been transferred to another sphere of activity. The matter now rests with the Labour Department of Government and I expect that we shall be able to deal with this matter within a fortnight.

Increased cost of living owing to war.

62. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state whether it is a fact that the cost of living has increased considerably in Bengal owing to the prevalence of the war conditions?

(*b*) If so, what measures have been adopted by the Government of Bengal to instruct the people of Bengal in the matter of curtailment of unnecessary expenditure and in the matter of economic living?

(*c*) Are the Government aware that the Government of the Punjab and other Provincial Governments have issued circulars for curtailment of expenditure, especially curtailment of expenditure in matter of entertainments to Government officials, and high personages? If so, do this Government propose to adopt similar measures in Bengal? If not, why not?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) Yes, the cost of living has increased owing to the prevalence of war conditions. For the working classes in and around Calcutta, the index is now 116 as against 100 on the 1st September, 1939.

(*b*) No measures by Government to instruct the people in the matter of curtailment of unnecessary expenditure are deemed necessary. Government, however, are keeping a close watch on the rise in price of necessaries of life, so as to prevent any profiteering.

(*c*) This Government have no official information of the circulars referred to. It is not proposed to issue any such circular here, because Government are not aware that there is any necessity for them.

Khan Bahadur NAZIRUDDIN AHMAD: Arising out of (*c*), has the Government any unofficial information on this subject?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir. I may point out as a general remark that any information which Government may have must be official.

Khan Bahadur NAZIRUDDIN AHMAD: Is it a fact that the information supposed to be conveyed in the question about which answer is wanted, is the information which was published in all the newspapers—I mean the action taken by the Punjab Government?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir. Government have no official information about this.

Khan Bahadur NAZIRUDDIN AHMAD: Arising out of answer (*c*), will the Hon'ble Minister please explain how this index is arrived at—what are the commodities which are taken into consideration?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, this will lead us into the consideration of many factors and which I submit hardly arises out of this question. If the honourable member puts another question on this subject, I shall answer it in full.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state to which time does the word "now" in the answer (*a*), namely, ".....the index is now 116 as.....etc., etc." refer?

The Hon'ble Mr. H. S. SUHRAWARDY: About 10 days or a fortnight ago from to-day.

Mr. HUMAYUN KABIR: Is the Hon'ble Minister aware of a communiqué published by the Publicity Officer of the Government of Bengal on the 1st August, 1941, in which it is stated that the prices have gone up by 60 per cent. or 70 per cent.?

The Hon'ble Mr. H. S. SUHRAWARDY: I again wish to point out that the preparation of the index number has nothing to do with the price of any particular commodity. In the preparation of such an index, various other factors have got to be taken into account.

Mr. HUMAYUN KABIR: Then, are we to understand that the Hon'ble Minister prepares his index number without reference to the price of food articles?

Mr. PRESIDENT: Order, order. That is not a fair question. The honourable member knows how the index number is prepared with reference to most of the primary necessities of life and that it is not always the same in all countries.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: With reference to (*a*), is the Hon'ble Minister aware of the fact that the Bombay Labour Office has got a special staff for dealing with the question of determination of the cost of living and preparing the index number?

The Hon'ble Mr. H. S. SUHRAWARDY: I am fully aware of that, Sir.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Will he be pleased to consider if the same thing cannot be undertaken here also?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not think it is necessary. The Bombay Office has certainly got a very elaborate machinery for the purpose and they are spending large sums of money on it also; but our figures agree with theirs even though we do not spend as much money as they do.

NON-OFFICIAL BILLS.

Mr. PRESIDENT: The House will now proceed with the consideration of Non-official Bills.

Mr. HUMAYUN KABIR: Sir, before you take up the Non-official Bills which are already in an advanced stage, may I draw your attention to the fact that there are a very large number of Bills on the Order Paper simply for introduction which will take a very short time. I find they appear towards the end of the Order Paper and therefore if you take up the consideration of other Bills as well as the Select Committee motions, there will hardly be any chance of these Bills being moved for introduction. We did not have any non-official day for Bills before this. On the last day fixed for Non-official Bills, the House decided to adjourn earlier as a mark of respect to the memory of Rabindra Nath. In these circumstances, will you please consider the question of taking up the motions for introduction of Bills first?

Presentation of the Report of the Select Committee on the Workmen's Compensation (Bengal Amendment) Bill, 1941.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, before you give your ruling on Mr. Kabir's point, may I have your leave, under rule 18 of the Rules of this House to present the Report of the Select Committee on the Workmen's Compensation Bill?

Mr. PRESIDENT: Yes.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg leave to present to the House the Report of the Select Committee on the Workmen's Compensation (Bengal Amendment) Bill, 1941.

May I also move that the Bill be taken up for consideration by this House on the 28th of this month? I hope this date will suit the House. It is a short Bill of about 5 clauses only.

Mr. PRESIDENT: The Bill will be taken up, clause by clause, on the 28th August and members wishing to give notice of amendments will please do so by 11 a.m. on Tuesday, the 26th August, 1941.

As regards the request made by Mr. Kabir, I take it that there is no objection to this suggestion. (After a pause.) As there is no objection from any honourable member, I shall allow those Bills which are in the introduction stage to be moved first.

The Bengal Jute Regulation (Amendment) Bill, 1941.

Mr. HUMAYUN KABIR: Sir, I beg to move for leave to introduce the Bengal Jute Regulation (Amendment) Bill, 1941.

Mr. PRESIDENT: The question before the House is: that leave be granted to Mr. Humayun Kabir to introduce the Bengal Jute Regulation (Amendment) Bill, 1941.

(The motion was agreed to.)

Secretary then read the short title of the Bill.

Mr. PRESIDENT: The Bill is introduced.

The Bengal Emergency Rent Remission Bill, 1941.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to move for leave to introduce the Bengal Emergency Rent Remission Bill, 1941.

Mr. PRESIDENT: The question before the House is: that leave be granted to Khan Bahadur Saiyed Muazzamuddin Hosain to introduce the Bengal Emergency Rent Remission Bill, 1941.

(The motion was agreed to.)

Secretary then read the short title of the Bill.

Mr. PRESIDENT: The Bill is introduced.

The Bengal Hindu Women's Rights to Agricultural Land Bill, 1941.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move for leave to introduce the Bengal Hindu Women's Rights to Agricultural Land Bill, 1941.

Mr. PRESIDENT: The question before the House is: that leave be granted to Khan Bahadur Naziruddin Ahmad to introduce the Bengal Women's Rights to Agricultural Land Bill, 1941.

(The motion was agreed to.)

Secretary then read the short title of the Bill.

Mr. PRESIDENT: The Bill is introduced.

The Bengal Municipal (Amendment) Bill, 1941.

Mr. NUR AHMED: I beg to move for leave to introduce the Bengal Municipal (Amendment) Bill, 1941.

Mr. PRESIDENT: The question before the House is: that leave be granted to Mr. Nur Ahmed to introduce the Bengal Municipal (Amendment) Bill, 1941.

(The motion was agreed to.)

Secretary then read the short title of the Bill.

Mr. PRESIDENT: The Bill is introduced.

The Bengal Hindu Women's Right to Property Bill, 1941.

Rai MANMATHA NATH BOSE Bahadur: I beg to move for leave to introduce the Bengal Hindu Women's Right to Property Bill, 1941.

Mr. PRESIDENT: The question before the House is: that leave be granted to Rai Manmatha Nath Bose Bahadur to introduce the Bengal Hindu Women's Right to Property Bill, 1941.

(The motion was agreed to.)

Secretary then read the short title of the Bill.

Mr. PRESIDENT: The Bill is introduced.

The Bengal Jute Regulation (Amendment) Bill, 1941.

Mr. NUR AHMED: I beg to move for leave to introduce the Bengal Jute Regulation (Amendment) Bill, 1941.

Mr. PRESIDENT: The question before the House is: that leave be granted to Mr. Nur Ahmed to introduce the Bengal Jute Regulation (Amendment) Bill, 1941.

(The motion was agreed to.)

Secretary then read the short title of the Bill.

Mr. PRESIDENT: The Bill is introduced.

The Bengal Smoke Nuisance (Amendment) Bill, 1941.

Mr. NUR AHMED: I beg to move for leave to introduce the Bengal Smoke Nuisance (Amendment) Bill, 1941.

Mr. PRESIDENT: The question before the House is: that leave be granted to Mr. Nur Ahmed to introduce the Bengal Smoke Nuisance (Amendment) Bill, 1941.

(The motion was agreed to.)

Secretary then read the short title of the Bill.

Mr. PRESIDENT: The Bill is introduced.

The Bengal Fisheries Bill, 1941.

Mr. NUR AHMED: I beg to move for leave to introduce the Bengal Fisheries Bill, 1941.

Mr. PRESIDENT: The question before the House is: that leave be granted to Mr. Nur Ahmed to introduce the Bengal Fisheries Bill, 1941.

(The motion was agreed to.)

Secretary then read the short title of the Bill.

Mr. PRESIDENT: The Bill is introduced.

The Bengal Land-revenue Sales (Amendment) Bill, 1941.

Mr. PRESIDENT: The House will now take up the Bengal Land-revenue Sales (Amendment) Bill, 1941, as passed by the Bengal Legislative Assembly.

Khan Sahib ABUL QUASEM: Sir, I beg to move that the Bengal Land-revenue Sales (Amendment) Bill, 1941, as passed by the Assembly, be taken into consideration.

Mr. PRESIDENT: Motion moved: that the Bengal Land-revenue Sales (Amendment) Bill, 1941, as passed by the Assembly, be taken into consideration.

The question before the House is: that the Bengal Land-revenue Sales (Amendment) Bill, 1941, as passed by the Assembly, be taken into consideration.

(The motion was agreed to.)

Clauses 1, 2 and 3.

Mr. PRESIDENT: The question before the House is: that clauses 1, 2 and 3 stand part of the Bill.

(The motion was agreed to.)

Mr. PRESIDENT: The question before the House is: that the title and preamble of the Bill stand part of the Bill.

(The motion was agreed to.)

Khan Sahib ABUL QUASEM: Sir, I beg to move that the Bill, as settled in the Council, be passed.

Mr. PRESIDENT: The question before the House is: that the Bengal Land-revenue Sales (Amendment) Bill, 1941, as settled in the Council, be passed.

(The motion was agreed to.)

The Bengal Public Demands Recovery (Amendment) Bill, 1940.

Mr. NUR AHMED: I beg to move that the Bengal Public Demands Recovery (Amendment) Bill, 1940, as reported by the Select Committee, be taken into consideration.

Sir, this is a very simple amending Bill which in the main wants to amend a very important section of the Bengal Public Demands Recovery Act, 1913, namely, section 13. It is a very old Act of 1913 and in section 13 of this old Act there is a provision for attaching moveables before a judgment or for removing the same before the final execution of the certificate and there is no provision for release of property on furnishing security to the satisfaction of the Certificate Officer. The want of a provision such as the one suggested in this measure is causing a great hardship. The amendment suggested in this measure seeks to provide that if adequate security is furnished, any attachment made shall stand cancelled. The Select Committee have made some changes. I used the word "surety" but that has been changed to "security". And there is another provision in the old Act as regards the arrest of a certificate-debtor and that is a very old and antiquated

provision. According to that provision, as soon as there was an application before the Certificate Officer, the certificate debtor could be arrested at once before any notice was issued up him to show cause why he should not be arrested. This amending provision alters that and in place of that introduces practically the amendment provided in the Civil Procedure Code which was amended by an Act of 1936 in the Central Assembly. Thus according to this amended provision, the certificate-debtor will be afforded an opportunity to show cause. Of course, there are certain conditions where a certificate-debtor can be arrested unless he can show cause why he should not be arrested; there are other conditions according to which he may be kept in custody in order to give him opportunity to pay off a certificate debt.

Then, there is another most important thing and that is the amendment of section 34. That section provides that a suit shall no doubt lie to a Civil Court to set aside a certificate sale but if that suit drags on for years together because there is a provision to award interest, interest accumulates up to that period at the present high rate. By this amended provision there will be a limited amount up to which only interest can be allowed. Sometimes, it so happens that a suit may be dragged on up to the appellate court for 4 or 5 years; as a result of that huge sums at the present high rate are awarded as interest. This imposes additional burden on the certificate-debtor over and above, the decree. Now, under the existing Act, namely, the Public Demands Recovery Act, 1913, there is no provision to exempt the implements of agriculturists and the bedding of the agriculturist from attachment and sale and to rectify this defect provision has been made in this amending Bill. There are other sections of this Bill which simply repeal some relevant sections of the Bengal Tenancy Act, already repealed by the amendment of that Act. This is necessary. Some necessary changes have been made by the Select Committee but the report of the Select Committee is unanimous.

I appeal to the House to accept my motion.

Mr. PRESIDENT: Motion moved that the Bengal Public Demands Recovery (Amendment) Bill, 1940, as reported by the Select Committee, be taken into consideration.

The question before the House is: that the Bengal Public Demands Recovery (Amendment) Bill, 1940, as reported by the Select Committee, be taken into consideration.

(The motion was agreed to.)

Clauses 1, 2, 3 and 4.

Mr. PRESIDENT: The question before the House is: that clauses 1, 2, 3 and 4 stand part of the Bill.

(The motion was agreed to.)

Clauses 5, 6, 7 and 8.

Mr. PRESIDENT: The question before the House is: that clauses 5, 6, 7 and 8 stand part of the Bill.

(The motion was agreed to.)

Mr. PRESIDENT: The question before the House is: that the Title and the Preamble be added to the Bill.

(The motion was agreed to.)

Mr. NUR AHMED: Sir, I beg to move: that the Bengal Public Demands Recovery (Amendment) Bill, 1940, as settled in the Council, be passed.

Mr. PRESIDENT: The question before the House is: that the Bengal Public Demands Recovery (Amendment) Bill, 1940, as settled in the Council, be passed.

(The motion was agreed to.)

The Bengal Land-revenue Sales (Amendment) Bill, 1940.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to move that the Bengal Land-revenue Sales (Amendment) Bill, 1940, as reported by the Select Committee, be taken into consideration.

Sir, this is a very simple Bill. It only provides for service of registered notice on proprietors and if their number be large, on at least five of them, before any estate is actually put up for sale. I think it is a very salutary provision which safeguards the interests of the landlords who might suffer on account of the negligence on the part of their employees. The Select Committee has made certain recommendations which may be considered and the Bill may now be taken into consideration, clause by clause.

Mr. PRESIDENT: The question before the House is: that the Bengal Land-revenue Sales (Amendment) Bill, 1940, as reported by the Select Committee, be taken into consideration.

(The motion was agreed to.)

Clause 1.

Mr. PRESIDENT: The question before the House is: that clause 1 stand part of the Bill.

(The motion was agreed to.)

Clause 2.

Mr. PRESIDENT: Clause 2 stand part of the Bill.

Mr. W. B. C. LAIDLAW: Sir, I beg to move: that in clause 2 of the Bill, the commas and words ", and in case their number be more than five, in the name of at least five of the biggest recorded shareholders" in lines 7, 8 and 9 be omitted.

Sir, there will be real improvement if all the proprietors could be served with notice indeed we feel that as the section is worded at present, there is considerable ambiguity and this will mean certain amount of litigation. So, I have moved this amendment.

Mr. PRESIDENT: Amendment moved: that in clause 2 of the Bill, the commas and words ", and in case their number be more than five, in the name of at least five of the biggest recorded shareholders" in lines 7, 8 and 9 be omitted.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, nobody would have been more glad than myself if this amendment could be accepted by Government; but because I know that there are some estates with as many 600, 700 or even 1,000 proprietors as co-sharers and it will be a hopeless task to have notice served on all of them, that is why provision has to be made for giving notice to at least 5 of them, where the number of the co-sharers is very large. But if the Government accept this amendment and are prepared to serve notice on all the proprietors, then nobody would be more glad than myself.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, Government accept the proposal in principle but they are not prepared to accept it literally, because of the difficulties pointed out by the Khan Bahadur just now. There are sometimes as many as 500, or 600 or even 1,000 co-sharers of an estate, so that land-revenue sales will not be possible if notice has got to be served on each and every proprietor.

Mr. W. B. C. LAIDLAW: In view of the observations made by the Hon'ble Minister, I beg leave of the House to withdraw my amendment.

Mr. PRESIDENT: Is it the pleasure of the House to grant Mr. Laidlaw leave to withdraw his amendment?

(The amendment was then, by leave of the House, withdrawn.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that in clause 2 of the Bill, in the proposed third paragraph of section 6, in line 8, after the words "simultaneously with" the words "or as soon as may be after" be inserted.

The word "simultaneously" may give rise to difficulties, because it may not be actually possible always to issue the notice simultaneously with the issue of notification. That being so, and having regard to the fact that what is meant by the author of the Bill is that it should be done as soon as possible, I have suggested this amendment.

Mr. PRESIDENT: Amendment moved: that in clause 2 of the Bill, in the proposed third paragraph of section 6, in line 8, after the words "simultaneously with" the words "or as soon as may be after" be inserted.

The question before the House is: that in clause 2 of the Bill, in the proposed third paragraph of section 6, in line 8, after the words "simultaneously with" the words "or as soon as may be after" be inserted.

(The amendment was agreed to.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, before I move my motion, may I have your kind permission to make a few changes in my motion. It is this: to insert the words "that period" after the word "within" in line 4, and to omit "time" after the word "within"; and also to omit the last sentence altogether.

Mr. PRESIDENT: Yes.

Khan Bahadur NAZIRUDDIN AHMAD: I move that in clause 2 of the Bill, for all the words beginning with "if the sale does not" in line 12 and ending with "Public revenue" in line 21, the following be substituted, namely:—

> "If the sale does not take place the cost of such registered notices shall be payable by the defaulters within 15 days of the date on which the sale was to take place and if it is not paid within that period, it shall be realised from the defaulters by any process authorised for realising an arrear of Public revenue".

Sir, this is only a drafting amendment to the amendment of which I had given notice and the alteration is only minor. So, I hope this amendment will be accepted.

Mr. PRESIDENT: The question before the House is that in clause 2 of the Bill, for all the words beginning with "If the sale does not" in line 12 and ending with "Public revenue" in line 21, the following be substituted, namely:—

> "If the sale does not take place the cost of such registered notices shall be payable by the defaulters within 15 days of the date

on which the sale was to take place and if it is not paid within that period. It shall be realised from the defaulters by any process authorised for realising an arrear of Public revenue.

(The amendment was agreed to.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that in clause 2 of the Bill, in the proposed fourth paragraph of section 6, after the words "by registered post", the following be added, namely:—

"but the omission to serve such notice on any proprietor or any defect in the service of any such notice shall not by itself be ground for annulment of a sale under this Act".

Sir, it is a safeguard which must be provided for; otherwise in every suit for setting aside the sale, the non-service of the notice will be taken as a ground for the annulment of the revenue-sale.

Mr. PRESIDENT: Amendment moved that in clause 2 of the Bill, in the proposed fourth paragraph of section 6, after the words "by registered post" the following be added, namely:—

"but the omission to serve such notice on any proprietor or any defect in the service of any such notice shall not by itself be a ground for the annulment of a sale under this Act".

The question before the House is that in clause 2 of the Bill, in the proposed fourth paragraph of section 6, after the words "by registered post" the following be added, namely:—

"but the omission to serve such notice on any proprietor or any defect in the service of any such notice shall not by itself be a ground for the annulment of a sale under this Act".

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is: that clause 2, as amended, stand part of the Bill.

(The motion was agreed to.)

Clause 3.

Mr. PRESIDENT: The question before the House is: that clause 3 stand part of the Bill.

(The motion was agreed to.)

Mr. PRESIDENT: The question before the House is: that the title and the premable be added to the Bill.

(The motion was agreed to.)

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to move that the Bengal Land-revenue Sales (Amendment) Bill, 1940, as settled in the Council, be passed.

Mr. PRESIDENT: Motion moved that the Bengal Land-revenue Sales (Amendment) Bill, 1940, as settled in the Council, be passed.

The question before the House is: that the Bengal Land-revenue Sales (Amendment) Bill, 1940, as settled in the Council, be passed.

(The motion was agreed to.)

The Bengal Bus Drivers and Conductors Bill, 1940.

Mr. HUMAYUN KABIR: Sir, I beg to move that the Bengal Bus Drivers and Conductors Bill, 1940, be referred to a Select Committee consisting of—

(1) The Hon'ble Khwaja Sir Nazimuddin, Minister in charge of the Home Department,

(2) Khan Bahadur Saiyed Muazzamuddin Hosain,

(3) Mr. Nur Ahmed,

(4) Mr. Krishna Chandra Roy Chowdhury,

(5) Mrs. K. D'Rozario,

(6) Mr. Naresh Nath Mookerjee,

(7) Mr. Lalit Chandra Das,

(8) Mr. Amulyadhone Roy,

(9) Mr. W. B. G. Laidlaw,

(10) Rai Sahib Jatindra Mohan Sen, and

(11) the mover,

with instructions to submit their report by the 31st October, 1941, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

I do not think, Sir, that a long speech is necessary in support of this motion for a Select Committee. The general principles of this Bill are based on the Motor Vehicles Rules and Regulations, as laid down by the Government of India, some of which have already been applied to this province. In this Bill, it is also proposed to extend to the transport workers the facilities of leave and security of service, so

long as they work in their respective concerns. Sir, I am quite conscious of the fact that in the present circumstances there are very great difficulties which the bus trade has to face. Nevertheless, that is no reason why security of service should not be provided for in the case of the workers in this trade. The Select Committee will, no doubt, have the right to make alterations in framing the actual provisions of the Bill in the light of the prevailing circumstances. But the general principle, I think, Sir, is one to which the House is already committed by its acceptance of the Motor Vehicles Rules. I, therefore, hope that the motion for Select Committee will be accepted without any objection.

Mr. PRESIDENT: Motion moved: that the Bengal Bus Drivers and Conductors Bill, 1940, be referred to a Select Committee consisting of—

(1) The Hon'ble Khwaja Sir Nazimuddin, Minister in charge of the Home Department,
(2) Khan Bahadur Saiyed Muazzamuddin Hosain,
(3) Mr. Nur Ahmed,
(4) Mr. Krishna Chandra Roy Chowdhury,
(5) Mrs. K. D'Rozario,
(6) Mr. Naresh Nath Mookerjee,
(7) Mr. Lalit Chandra Das,
(8) Mr. Amulyadhone Roy,
(9) Mr. W. B. G. Laidlaw,
(10) Rai Sahib Jatindra Mohan Sen, and
(11) the mover, Mr. Humayun Kabir,

with instructions to submit their report by the 31st October, 1941, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am afraid, Sir, I have to oppose this motion. It is by no means so simple a measure as my friend would seem to think.

Sir, the honourable mover's intention is to benefit the bus drivers and conductors. But this Bill is not going to benefit them. On the other hand, it may injure the trade very seriously. As the House is aware, the bus services have to compete with other Transport services, such as, the railway and tramway. So, if the wages are fixed, as my honourable friend proposes in his Bill or if the hours of work are fixed, then higher wages must be paid by the trade and if the time of service is also fixed, that means that more men will have to be employed;

Thus, it will affect the bus business. Moreover, Sir, it is not by any means easy to enforce the provisions about the time-limit of working hours, especially in the mufussil. So, instead of helping the trade, it is going to affect it prejudicially and very seriously, in my opinion. It will lead to all sorts of subterfuges for evading the provisions of the Bill. In this view of the matter, Government would request the honourable mover to withdraw his Bill; if he does not do so, I would request the House to oppose his motion.

Mr. HUMAYUN KABIR: Have I the right of reply, Sir?

Mr. PRESIDENT: Yes, Mr. Kabir.

Mr. HUMAYUN KABIR: Sir, I understand from the speech of the Hon'ble the Leader of the House that Government are not disposed even to send it for circulation but want to kill the Bill at this very stage. I do not understand, Sir, what are the reasons for this attitude on the part of the Government. It is true that the Bill seeks to provide for a certain minimum wage, security of their service and also a regular fixed hour for these workers engaged in the transport services.

Sir, it is also true that the bus trade as a whole has to compete with the tramways, the railways and other transport services. But it would be quite possible for the Government gradually to extend the scope of the Bill, and bring in other transport services within the scope of either this Bill or by some similar Bill. With regard to the actual terms of service, with regard to the wages and hours of work of the bus drivers and conductors, which I have sought to bring in within this Bill, the Government had an opportunity of altering them in the Select Committee in the light of the existing circumstances. In moving this motion for the Select Committee, I myself admitted that I am quite aware that at the present moment, the bus trade was passing through a crisis, but that should not be the reason why the conditions of service of the bus-drivers should not be improved when the normal times come. I am not asking the Government to put this Bill into operation immediately. It may be put into operation in better times when things come to their normal condition. I simply want to bring the trade under the control of Government. Therefore, Sir, in view of these facts, I can only say that I fail to understand the reason why Government have opposed this Bill, and in fact Government have offered no reasons for opposing this Bill.

Mr. PRESIDENT: The question before the House is: that the Bengal Bus Drivers and Conductors Bill, 1940, be referred to a Select Committee consisting of—

(1) The Hon'ble Khwaja Sir Nazimuddin, Minister in charge of the Home Department,

(2) Khan Bahadur Saiyed Muazzamuddin Hosain,
(3) Mr. Nur Ahmed,
(4) Mr. Krishna Chandra Roy Chowdhury,
(5) Mrs. K. D'Rozario,
(6) Mr. Naresh Nath Mookerjee,
(7) Mr. Lalit Chandra Das,
(8) Mr. Amulyadhone Roy,
(9) Mr. W. B. G. Laidlaw,
(10) Rai Sahib Jatindra Mohan Sen, and
(11) the mover,

with instructions to submit their report by the 31st October, 1941, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

(The motion was negatived.)

The Bengal Public Gambling (Amendment) Bill, 1940.

Mr. NUR AHMED: Sir, I beg to move that the Bengal Public Gambling (Amendment) Bill, 1940, be referred to a Select Committee consisting of—

(1) The Hon'ble Khwaja Sir Nazimuddin, Minister in charge of the Home Department,
(2) Khan Bahadur Saiyed Muazzamuddin Hosain,
(3) Mr. Mesbahuddin Ahmed,
(4) Mr. Dhirendra Lal Barua,
(5) Mr. Naresh Nath Mookerjee,
(6) Mr. Ranajit Pal Chowdhury,
(7) Rai Sahib Jatindra Mohan Sen,
(8) Mr. W. B. G. Laidlaw,
(9) Mrs. K. D'Rozario,
(10) Mr. Humayun Kabir, and
(11) the mover,

with instructions to submit their report by the 31st October, 1941, and that the number of members whose presence shall be necessary to constitute a quorum shall be three.

Sir, on more than one occasion I have explained the main principles of this Bill in this House.

This Bill wants to amend the Act which was passed so long ago as 1867. My Bill seeks to deal with one of the most serious evils which has spread throughout Bengal. This Bill was circulated for eliciting public opinion. Most of the opinions received have strongly supported the necessity of such a Bill. The main provision of this Bill is to amend the definition of the terms "common gaming house". The present definition is not very comprehensive. It means, "house, walled enclosure, room or place".

Then, there is another defect in the existing Act. There is no provision for deterrent punishment for the second, third or subsequent offences. That has been provided in this Bill. I think from the point of view of the welfare of the people at large, this Bill is very necessary.

With these few words, Sir, I commend my motion to the acceptance of the House.

Mr. PRESIDENT: Motion moved: that the Bengal Public Gambling (Amendment) Bill, 1940, be referred to a Select Committee consisting of—

(1) The Hon'ble Khwaja Sir Nazimuddin, Minister in charge of the Home Department,

(2) Khan Bahadur Saiyed Muazzamuddin Hosain,

(3) Mr. Mesbahuddin Ahmed,

(4) Mr. Dhirendra Lal Barua,

(5) Mr. Naresh Nath Mookerjee,

(6) Mr. Ranajit Pal Chowdhury,

(7) Rai Sahib Jatindra Mohan Sen,

(8) Mr. W. B. G. Laidlaw,

(9) Mrs. K. D'Rozario,

(10) Mr. Humayun Kabir, and

(11) the mover,

with instructions to submit their report by the 31st October, 1941, and that the number of members whose presence shall be necessary to constitute a quorum shall be three.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government are prepared to accept this motion, Sir.

Mr. PRESIDENT: The question before the House is: that Bengal Public Gambling (Amendment) Bill, 1940, be referred to a Select Committee consisting of—

(1) The Hon'ble Khwaja Sir Nazimuddin, Minister in charge of the Home Department,

(2) Khan Bahadur Saiyed Muazzamuddin Hosain,
(3) Mr. Mesbahuddin Ahmed,
(4) Mr. Dhirendra Lal Barua,
(5) Mr. Naresh Nath Mookerjee,
(6) Mr. Ranajit Pal Chowdhury,
(7) Rai Sahib Jatindra Mohan Sen,
(8) Mr. W. B. G. Laidlaw,
(9) Mrs. K. D'Rozario,
(10) Mr. Humayun Kabir, and
(11) the mover,

with instructions to submit their report by the 31st October, 1941, and that the number of members whose presence shall be necessary to constitute a quorum shall be three.

(The motion was agreed to.)

The Bengal Local Self-Government (Amendment) Bill, 1940.

Khan Bahadur ATAUR RAHMAN: Sir, before I move my motion I beg to ask your indulgence to change the date of submission of the report of the committee from the 20th August to the 5th September? I had originally expected that the Bill would be moved before the 20th August, but as that could not be done, I now want that the date of the report be fixed by the 5th September, 1941.

Mr. PRESIDENT: All right.

Khan Bahadur ATAUR RAHMAN: I beg to move that the Bengal Local Self-Government (Amendment) Bill, 1940, be referred to a Select Committee consisting of—

(1) The Hon'ble Nawab Khwaja Habibullah Bahadur, Minister in charge of the Public Health and Local Self-Government Department,
(2) Mr. Kader Baksh,
(3) Khan Bahadur Naziruddin Ahmad,
(4) Khan Bahadur Saiyed Muazzamuddin Hosain,
(5) Raja Bhupendra Narayan Sinha Bahadur,
(6) Mr. R. W. N. Ferguson,
(7) Mr. Sachindra Narayan Sanyal,

(8) Mr. Birendra Kishore Roy Chowdhury,

(9) Mr. Lalit Chandra Das,

(10) Mr. Humayun Kabir, and

(11) the mover,

with instructions to submit their report by the 5th September, 1941, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, this Bill consists of one section only. It authorises the Government to abolish all local boards under any District Board without the consent of the District Boards. The present rule is that local boards can only be abolished by the Government with the consent of the District Boards. Sixteen District Boards have so far abolished the local boards under them and there are 8 or 9 District Boards that have not done so yet. The local boards have already outlived their utility in the districts, being replaced by union boards. Only a small sum of money is allotted to each local board and the major part of it is spent on the establishment and supervision staff. If the local boards are abolished and the money is placed in the hands of the union boards, it will be better utilised in the improvement of roads, and other useful works, such as sanitation, etc. With this object in view, I have moved this motion and I hope it will be accepted by the House.

Mr. PRESIDENT: Motion moved: that the Bengal Local Self-Government (Amendment) Bill, 1940, be referred to a Select Committee consisting of—

(1) The Hon'ble Nawab Khwaja Habibullah Bahadur, Minister in charge of the Public Health and Local Self-Government Department,

(2) Mr. Kader Baksh,

(3) Khan Bahadur Naziruddin Ahmad,

(4) Khan Bahadur Saiyed Muazzamuddin Hosain,

(5) Raja Bhupendra Narayan Sinha Bahadur,

(6) Mr. R. W. N. Ferguson,

(7) Mr. Sachindra Narayan Sanyal,

(8) Mr. Birendra Kishore Roy Chowdhury,

(9) Mr. Lalit Chandra Das,

(10) Mr. Humayun Kabir, and

(11) the mover,

with instructions to submit their report by the 5th September, 1941, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I beg to move that in the personnel of the proposed Select Committee, for the name of Mr. Sachindra Narayan Sanyal, the name of Khan Bahadur Mukhlesur Rahman be substituted.

Sir, my reason for doing so is that the number of Congress members now attending is very few. So, in place of two members given to the Congress one member Mr. Sachindra Narayan Sanyal may be replaced by another member of the Coalition Party.

Mr. PRESIDENT: Amendment moved: that in the personnel of the proposed Select Committee, for the name of Mr. Sachindra Narayan Sanyal, the name of Khan Bahadur Mukhlesur Rahman be substituted.

The Hon'ble Sir BIJOY PRASAD SINGH RDY: Sir, I understand the Khan Bahadur, is willing to withdraw his amendment.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes, Sir, I beg leave of the House to withdraw the amendment.

Mr. PRESIDENT: Is it the pleasure of the House to grant leave to Khan Bahadur to withdraw his amendment?

(The amendment was, by leave of the House, withdrawn.)

Mr. PRESIDENT: The question before the House is: that the Bengal Local Self-Government (Amendment) Bill, 1940, be referred to a Select Committee consisting of—

(1) The Hon'ble Nawab Khwaja Habibullah Bahadur, Minister in charge of the Public Health and Local Self-Government Department,

(2) Mr. Kader Baksh,

(3) Khan Bahadur Naziruddin Ahmad,

(4) Khan Bahadur Saiyed Muazzamuddin Hosain,

(5) Raja Bhupendra Narayan Sinha Bahadur,

(6) Mr. R. W. N. Ferguson,

(7) Mr. Sachindra Narayan Sanyal,

(8) Mr. Birendra Kishore Roy Chowdhury,

(9) Mr. Lalit Chandra Das,

(10) Mr. Humayun Kabir, and

(11) the mover,

with instructions to submit their report by the 5th September, 1941, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

(The motion was agreed to.)

The Bengal Good Conduct Prisoners Probational and Temporary Release Bill, 1940.

Mr. NUR AHMED: I beg to move that the Bengal Good Conduct Prisoners Probational and Temporary Release Bill, 1940, be referred to a Select Committee consisting of—

(1) The Hon'ble Khwaja Sir Nazimuddin, Minister in charge of the Home Department,

(2) Khan Sahib Abul Quasem,

(3) Khan Bahadur Rezzaqul Haider Chowdhury,

(4) Mr. Kamini Kumar Dutta,

(5) Mr. Birendra Kishore Roy Chowdhury,

(6) Raja Bhupendra Narayan Sinha Bahadur,

(7) Sir T. Lamb,

(8) Mr. Humayun Kabir, and

(9) the mover,

with instructions to submit their report by the 31st December, 1941, and that the number of members whose presence shall be necessary to constitute a quorum shall be three.

Sir, the main principle of this Bill has already been explained by me before this House. I would only say that this is a very useful measure which wants to give some relief to those unfortunate persons who find themselves behind the prison bar. The prisoners should be given an opportunity to reform themselves. Under the present conditions no such opportunity is available. The main purpose of the Bill is to grant temporary release, if a prisoner shows signs of good conduct and if the authority concerned is satisfied that when released temporarily on a Government permit, he will reform himself. If a person is convicted for more than 3 years and if he shows good conduct, in case of emergency, *i.e.*, in case of his mother's or father's serious illness or death he may be allowed to go home temporarily on a permit. These are some of the provisions of the Bill. Every precaution has been taken in the Bill as to the condition of the permit for the release. All sorts of sureties have been provided. I think the time has come to introduce a measure of this kind. So I hope the House will support my motion for reference to a Select Committee.

Mr. PRESIDENT: Motion moved: that the Bengal Good Conduct Prisoners Probational and Temporary Release Bill, 1940, be referred to a Select Committee consisting of—

(1) The Hon'ble Khwaja Sir Nazimuddin, Minister in charge of the Home Department,

(2) Khan Sahib Abul Quasem,

(3) Khan Bahadur Rezzaqul Haider Chowdhury,

(4) Mr. Kamini Kumar Dutta,

(5) Mr. Birendra Kishore Roy Chowdhury,

(6) Raja Bhupendra Narayan Sinha Bahadur,

(7) Sir T. Lamb,

(8) Mr. Humayun Kabir, and

(9) the mover, Mr. Nur Ahmed,

with instructions to submit their report by the 31st December, 1941, and that the number of members whose presence shall be necessary to constitute a quorum shall be three.

Mr. DHIRENDRA LAL BARUA: Sir, I beg to move, by way of amendment, that in the personnel of the proposed Select Committee, for the names of Mr. Kamini Kumar Dutta, Mr. Birendra Kishore Roy Chowdhury and Sir T. Lamb, the names of the following members be substituted, namely:—

(1) Mr. Lalit Chandra Das,

(2) Mr. Amulyadhone Roy, and

(3) Mr. W. B. G. Laidlaw.

In moving this amendment, Sir, I beg to say that the simple reason for doing so is that the signatures of Mr. Kamini Kumar Dutta and Mr. Birendra Kishore Roy Chowdhury could not be obtained——

(After some pause.)

Sir, on re-consideration, I beg to withdraw my amendment.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, Government are prepared to accept the original motion of Mr. Nur Ahmed.

Mr. PRESIDENT: The question before the House is: that the Bengal Good Conduct Prisoners Probational and Temporary Release Bill, 1940, be referred to a Select Committee consisting of—

(1) The Hon'ble Khwaja Sir Nazimuddin, Minister in charge of the Home Department,

(2) Khan Sahib Abul Quasem,

(3) Khan Bahadur Rezzaqul Haider Chowdhury,

(4) Mr. Kamini Kumar Dutta,

(5) Mr. Birendra Kishore Roy Chowdhury,

(6) Raja Bhupendra Narayan Sinha Bahadur,

(7) Sir T. Lamb,

(8) Mr. Humayun Kabir, and

(9) the mover, Mr. Nur Ahmed,

with instructions to submit their report by the 31st December, 1941, and that the number of members whose presence shall be necessary to constitute a quorum shall be three.

(The motion was agreed to.)

The Bengal Primary Education (Amendment) Bill, 1940.

Mr. NUR AHMED: Sir, I beg to move that the Bengal Primary Education (Amendment) Bill, 1940, be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. A. K. Fazlul Huq, Minister in charge of the Education Department,

(2) Dr. Radha Kumud Mookerjee,

(3) Mr. Amulyadhone Roy,

(4) Begum Hamida Momin,

(5) Mr. Dhirendra Lal Barua,

(6) Khan Bahadur Rezzaqul Haider Chowdhury,

(7) Mr. W. B. G. Laidlaw,

(8) Mr. Humayun Kabir,

(9) Rai Bahadur Keshab Chandra Banerjee, and

(10) the mover,

with instructions to submit their report by the 31st January, 1942, and that the number of members whose presence shall be necessary to constitute a quorum shall be three.

Sir, this Bill is practically pending in this House for more than four years. I introduced it in 1937 and this Bill has since been circulated and re-circulated. Sir, to-day again I find a motion to re-circulate this Bill. Sir, this is a Bill which deals with a very important problem of Bengal, namely, the introduction of free and compulsory primary education within municipal areas. Sir, the existing Act was passed so long ago as 1919. As a result of the working of that Bill, Sir, some defects have been noticed.

Sir, speaking from my personal experience, I may inform the House that in the Chittagong Municipality free and compulsory primary

education was introduced in 1928 and from that date we have prosecuted about 300 to 400 defaulting persons every year but owing to loopholes in that Act, Sir, not a single person could be punished. The result has been that the working of that Act has proved most unsuccessful. Here, Sir, I want to change the definition of the word "guardian" and I want to change the rules regarding exemption of compulsory attendance at schools and other places of learning.

Of course, Sir, there is a provision for taking power by Government for compelling the municipalities to introduce compulsory free primary education in their respective areas within 5 years. Government may raise objection to that, but municipalities can easily introduce free and compulsory primary education provided they are furnished with a scheme.

Very recently, the Vice-Chairman of the Narayanganj Municipality visited our Municipality at Chittagong. He was surprised to find that our Municipality was able to start 36 schools for imparting free primary education for boys and girls with the money which his Municipality had spent for starting only 8 schools. Sir, Rs. 23 lakhs are spent by all the Municipalities in Bengal for primary education and taking the census of the population there and also taking the number of boys and girls if a little more than Rs. 5 or 6 lakhs are added, then all the boys and girls could get free primary education.

Sir, the provisions of this Bill can be altered and changed in the Select Committee if the Government so likes. I think, Sir, this is a most useful measure and it should not be delayed anymore. I find that a Bill has been introduced in the Bengal Legislative Assembly but that is not to amend the Act but only to amend the Primary Education Act of 1930.

With these few words, Sir, I request the honourable members to accept my motion.

Mr. PRESIDENT: Motion moved: that the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. A. K. Fazlul Huq, Minister in charge of the Education Department,

(2) Dr. Radha Kumud Mookerjee,

(3) Mr. Amulyadhone Roy,

(4) Begum Hamida Momin,

(5) Mr. Dhirendra Lal Barua,

(6) Khan Bahadur Rezzaqul Haider Chowdhury,

(7) Mr. W. B. G. Laidlaw,

(8) Mr. Humayun Kabir,

(9) Rai Bahadur Keshab Chandra Banerjee, and

(10) the mover,

with instructions to submit their report by the 31st January, 1942, and that the number of members whose presence shall be necessary to constitute a quorum shall be three.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the Bill be re-circulated for the purpose of eliciting opinion thereon by the 31st December, 1941.

Mr. PRESIDENT: Amendment moved: that the Bill be re-circulated for the purpose of eliciting opinion thereon by the 31st December, 1941.

The question before the House is: that the Bill be re-circulated for the purpose of eliciting opinion thereon by the 31st December, 1941.

(The amendment was agreed to.)

The House now stands adjourned till 2-15 p.m. on Thursday, the 28th August, 1941.

Adjournment.

The Council then adjourned till 2-15 p.m. on Thursday, the 28th August, 1941.

Members absent.

Following members were absent from the meeting held on the 22nd August, 1941:—

(1) Rai Bahadur Keshab Chandra Banerjee.
(2) Mr. Shrish Chandra Chakraverti.
(3) Mr. Khorshed Alam Chowdhury.
(4) Mr. Hamidul Huq Chowdhury.
(5) Mr. Kamini Kumar Dutta.
(6) Khan Bahadur Alhadj Khwaja Muhammad Esmail.
(7) Mr. Kanai Lal Goswami.
(8) Mr. Mohamed Hossain.
(9) Maulana Muhammad Akram Khan.
(10) Sir T. Lamb.
(11) Rai Bahadur Brojendra Mohan Maitra.
(12) Mr. J. McFarlane.
(13) Mr. Naresh Nath Mookerjee.
(14) Dr. Radha Kumud Mookerjee.
(15) Mr. Ranajit Pal Chowdhury.
(16) Dr. Kumud Sankar Ray.
(17) Mr. J. B. Ross.
(18) Mr. Sachindra Narayan Sanyal.
(19) Mr. W. F. Scott-Kerr.
(20) Raja Bhupendra Narayan Sinha Bahadur.
(21) Dr. Kasiruddin Talukdar.

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THE BENGAL LEGISLATIVE COUNCIL DEBATES

Second Session—No. 16.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 28th August, 1941, at 2-15 p.m., being the sixteenth day of the Second Session, pursuant to section 62 (2) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Relief to Muslim inhabitants of Raipore thana, Dacca.

63. Khan Bahadur NAZIRUDDIN AHMAD (on behalf of Khan Bahadur Saiyed Muazzamuddin Hosain): Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) whether any relief is being given by Government to the women folk and children of the Muslim inhabitants of the disturbed area of Raipore thana, who have been rendered helpless either owing to the arrest or the absconding of the male population; and

(*b*) what portion of the disturbed villages of Raipore thana could not be cultivated owing to the absence of male population, and how the Government propose to prevent economic waste and consequent distress?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Relief was given to all persons, irrespective of the community to which they belonged, where distress was proved to the satisfaction of the relief officers.

(*b*) Nearly all the fields were sown before the disturbances commenced.

Rise in the price of paddy.

64. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state if it is a fact that the price of rice and paddy has increased by more than 50 per cent. in all districts of Bengal, especially in Chittagong?

(*b*) If so, have any measures been adopted by the Government, to give immediate relief to the poor people?

(*c*) If so, what are they?

(*d*) Is it a fact that many poor people are starving or having one meal a day owing to abnormal rise in the price of rice and paddy in Bengal?

(*e*) If so, what measures have been taken by Government of Bengal to give relief to these starving people?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes, approximately. In Chittagong the rise actually has been less than 50 per cent.; for instance the pre-war price of Rangoon rice in Chittagong was Rs.3-10 per maund and the price now is Rs.5-4 per maund.

(*b*), (*c*) and (*e*) Control of prices is a matter for the Commerce and Labour Department. In this connection the honourable member may please refer to the Communique issued by the Government on the 2nd August, 1941, about the price of rice and paddy (copy placed in the Library).

(*d*) There is no doubt that the high price of rice has seriously affected the poor people.

Message received from the Bengal Legislative Assembly.

SECRETARY (Dr. S. K. D. Gupta): I have received the following message from the Bengal Legislative Assembly:—

"The Bengal Raw Jute Taxation, Bill, 1941, as passed by the Bengal Legislative Assembly at its meeting held on August 18, 1941, has been duly signed by me and is annexed herewith. The concurrence of the Bengal Legislative Council to the Bill is requested.

M. AZIZUL HAQUE,

Speaker, Bengal Legislative Assembly."

Sir, I herewith lay on the Table the Bengal Raw Jute Taxation Bill, 1941, which was passed at the meeting of the Bengal Legislative Assembly held on the 18th August, 1941.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, may I give notice that I will move that the Bengal Raw Jute Taxation Bill, 1941, be taken into consideration on the 8th September, 1941.

May I also give notice that the Bill may be passed, as settled in the Council, on the 10th September, 1941.

Mr. PRESIDENT: I think in that case time will be very short for the tabling of amendments by the members, if they so desire. Some earlier date may be fixed for the motion for consideration of the Bill.

The Hon'ble Mr. H. S. SUHRAWARDY: The important amendments that may be submitted regarding the motion for taking this Bill into consideration will be amendments for circulation of the Bill or for its reference to Select Committee. And I submit that it may perhaps be possible to submit such amendments within the 10th.

May I suggest 9th September, Sir, for discussion of the Bill clause by clause?

Mr. PRESIDENT: Notices of amendments to the substantive motion that the Bill be taken into consideration may be given up to the 4th of September and the Bill will be taken up, clause by clause, on the 9th September. I take it that there will be no objection.

The Hon'ble Mr. H. S. SUHRAWARDY: I have not followed you quite well, Sir. Is it the rule, Sir, that the Bill cannot be taken up, clause by clause, on the same day the motion for consideration is moved and carried?

Mr. PRESIDENT: Yes, it cannot be taken up, clause by clause, on the same day.

Mr. PRESIDENT: On the 4th September the motion will be moved for taking the Bill into consideration, to which there may be amendments for circulation or for reference of the Bill to a Select Committee and on the 9th September the Bill will be taken up, clause by clause. Members may give notice of amendments to the clauses of the Bill up to the 6th September, 1941.

The Hon'ble Mr. H. S. SUHRAWARDY: If the clauses of the Bill are passed on the 9th, I mean, after the second reading is over, can the third reading be taken up the same day?

Mr. PRESIDENT: If no amendment is accepted by the House on that day, the third reading may be proceeded with immediately after the second reading is over. But if any amendment is accepted, objection may be taken to the third reading on the same day. Even then the President in his discretion can allow the third reading on the same day.

Presentation of Select Committee Report on the Bengal Maternity Benefit (Tea Estates) Bill, 1941.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to lay on the Table the report of the Select Committee on the Bengal Maternity Benefit (Tea Estates) Bill, 1941.

In regard to this Bill also, as it is non-contentious, I hope it will have a very easy passage. May I suggest some date for it, Sir? The motion for consideration may be taken up on the 4th September and the Bill might be taken up for consideration, clause by clause, on the 8th. If we start on the 8th, we may give a gap on the 9th so that on that day the Raw Jute Taxation Bill might be taken up and finished——

Mr. PRESIDENT: On the 4th September the Bill will be moved for consideration and notices of amendments for reference to a new Select Committee or for recommital to the same Select Committee must be given by the 3rd. The Bill will be taken up, clause by clause, on the 8th and notices of amendments to the clauses of the Bill must be given by the 5th.

Communications from Government intimating action taken by them on motions adopted under Rule 112 of Bengal Legislative Council Procedure Rules.

SECRETARY (Dr. S. K. D. Gupta): Sir, the following communications have been received from the Government intimating the action taken by them on the motions moved in and adopted by the Council under rule 112 of the Bengal Legislative Council Procedure Rules:—

Subject: Employment of Indians in the Army, Navy and Air Forces.

A copy of the address together with a copy of the proceedings of the Bengal Legislative Council containing the debates on the motion has been forwarded to the Government of India for information and for such action as may be considered appropriate.

Subject: Revision and reduction of the scales of pay for the All-India Services.

Address was duly submitted to His Excellency the Governor of Bengal. The Secretary to His Excellency the Governor of Bengal has intimated this Department that appropriate action is being taken.

Subject: Abolition of the Kalukhali-Bhatiapara section of the Eastern Bengal Railway.

Copy of the address has been forwarded to the Government of India for information.

The Workmen's Compensation (Bengal Amendment) Bill, 1941.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to move that the Workmen's Compensation (Bengal Amendment) Bill, 1941, as reported by the Select Committee, be taken into consideration.

Mr. PRESIDENT: The question before the House is: that the Workmen's Compensation (Bengal Amendment) Bill, 1941, as reported in the Select Committee, be taken into consideration.

(The motion was agreed to.)

Clauses 1, 2 and 3.

Mr. PRESIDENT: The question before the House is: that clauses 1, 2 and 3 stand part of the Bill.

(The motion was agreed to.)

Mr. PRESIDENT: Clause 4 stand part of the Bill.

Mr. J. B. ROSS: Sir, I beg to move that in clause 4 of the Bill, in sub-section (*1*) of the proposed section 24A, after paragraph (*d*), the following new paragraph be added, namely:—

"(*e*) whether the death of a workman is due to accident arising out of and in the course of his employment".

Sir, my Party considers that it is equally essential to have this additional term of reference inserted in the Bill, as it is the other item in this sub-section. It is quite conceivable that a workman at his work may die of heart-failure or from other causes which have no direct connection with his employment at all and in such event there may be a considerable conflict of medical opinion. If there is such a conflict and the workman's doctor says that the workman died of something contracted in the course of his employment and the employer's doctor says that he did not die as a result of his employment but he died a natural death—heart-failure or some other thing having no connection at all with his work, it is obviously in the interest of both parties that a reference to a medical referee should be made. I therefore move this amendment and I hope that the Hon'ble Minister will be pleased to accept it.

Mr. PRESIDENT: Amendment moved: that in clause 4 of the Bill, in sub-section (*1*) of the proposed section 24A, after paragraph (*d*) the following new paragraph be added, namely:—

"(*e*) whether the death of a workman is due to accident arising out of and in the course of his employment".

Khan Bahadur NAZIRUDDIN AHMAD: Sir, may I rise on a point of order? I believe this amendment extends the scope of the Bill. On this ground, Sir, I think probably it is out of order.

Mr. PRESIDENT: The Bill mainly deals with reference to a medical man about his opinion as to the cause of death. It may be that a man may not die immediately after the accident but he may ultimately die as a result of that accident. In such a case, naturally medical opinion may be of great assistance for a proper decision by the Judge on that point. So, I hold that this amendment is in order.

Mr. LALIT CHANDRA DAS: Sir, I regret I do not see eye to eye with the amendment moved by Mr. Ross in this connection. The employees will be put to great disadvantage if final decision as to the cause of their death is made dependent on the report of a medical officer. It will be easy in most cases to get the opinion of a doctor, however qualified he may be, that a certain employee died of heart-failure. Now, a workman working in a pit may die of an accident and it may also be that no injury is found on his body. In that case it may be very convenient for his employer to get a medical officer to testify to the fact that the workman saw certain things in the pit and suddenly becoming frightened lost consciousness and died of heart-failure. Sir, ultimately every man dies of heart-failure. Everybody knows that and there cannot be any doubt about that, but to put that as the exact cause of death by a mere certificate of a medical officer will be very disastrous to the cause of the poor workman. It ought to be left to the discretion of the Judge to decide whether the particular facts relating to the death of a workman actually led to his death in the course of his work, or whether the man died of heart-failure or from some other cause. This matter should be left to the discretion of the Commissioner of Compensation and not to a medical practitioner whose report under clause 4 of section 24A of the Bill is sought to be made conclusive. That would be dangerous to the interest of the worker, and I therefore oppose the amendment.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Mr. President, Sir, I would appeal to Mr. Ross to withdraw his amendment on the simple ground that fatal cases due to heart-failure occur only once in a thousand cases or even less. My second ground is that there may be explosions in a factory and the violent sound of explosion might cause heart-failure of a worker, as we know the explosion of bombs has done elsewhere. In such a case, surely, Mr. Ross will not object to the proposition that the dependants of the deceased will be entitled to compensation. Besides, the employers will not in any way be

affected by having to pay this compensation, as then they will get the life of every worker of theirs insured. It is the Insurance Companies who will have to pay such compensation and it will not touch the industry as a whole. Therefore, on this ground and on many others I do not support the amendment.

Rai Sahib JATINDRA MOHAN SEN: Sir, I am sorry I do not see eye to eye with Mr. Ross on this point. The object of the amendment is quite good but I am doubtful whether it is within the scope of the Bill that a medical man should be allowed to decide whether the death of a certain workman occurred by reason of an accident arising in the course of his employment or not. It is a question of fact and not a technical question on which his opinion should be sought. It is really a question of fact whether the man died of an accident and whether the accident arose in the course of his employment or not. That is not a medical matter which the medical officer is to decide. It will require some additional facts to be gone into and they should be gone into by the Court and adjudicated upon by the Court. I do not think, therefore, that the amendment arises out of the provisions of the Bill.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I do not think that much harm would have been caused if we had accepted Mr. Ross' amendment, because if the question of incapacity due to personal injury as a result of an accident is referable to a medical referee, we may also refer this question whether death was due to accident arising out of and in the course of his employment. The difference, however, is that in the case of a death when the worker himself is dead and somebody else comes to claim compensation, the man who is dead cannot refer his own case to the medical referee. It is probably just as well that the Court should decide the cause of his death and declare whether the death was due to accident arising out of and in the course of his employment. I do not feel strongly one way or the other and therefore support the report of the Select Committee which has examined this suggestion. I would ask Mr. Ross, in view of the expressions of opinion given from the various parts of the House, to be good enough to withdraw his amendment and not remain in a minority.

Mr. J. B. ROSS: Sir, in view of the statement of the Hon'ble Minister, although I feel that the Bill might have been improved had this amendment been accepted, I withdraw the amendment.

Mr. PRESIDENT: Is it the pleasure of the House to permit Mr. Ross to withdraw his amendment?

(The amendment was then, by leave of the House, withdrawn.)

Rai BROJENDRA MOHAN MAITRA Bahadur: I beg to move that in clause 4 of the Bill, in sub-section (*1*) of the proposed section 24A, the words "or on the application of either party" in lines 24 and 25 be deleted.

Sir, in the original Bill I find that the application was to be made by both the parties in the prescribed form. But in the Select Committee this provision was amended to provide "on the joint application of both parties or on the application of either party in the prescribed manner". Now, if that be so, the medical officer of one of the parties may be won over by the interested party. So, I have suggested that the original intention of the framer of the Bill should remain.

Mr. PRESIDENT: Amendment moved: that in clause 4 of the Bill, in sub-section (*1*) of the proposed section 24A, the words "or on the application of either party" in lines 24 and 25, be deleted.

Mr. LALIT CHANDRA DAS: Sir, I rise to support the motion of my friend Rai Brojendra Mohan Maitra Bahadur. In order to understand why this amendment should be accepted, namely, the words "or on the application of either party" should be dropped from the Bill, it would be necessary for me to refer to sub-section (*4*) of section 24A. In sub-section (*4*) it is laid down—"In any proceedings under this Act in which evidence is recorded, the report of the medical referee shall as between the parties to the proceedings be conclusive proof of the facts related therein within the meaning of section 4 of the Indian Evidence Act, 1872". Now, Sir, it will be dangerous to provide that a medical referee may be appointed by the Commissioner on the application of the employer alone even though the employee does not join him. In that case, there will be the risk of such a medical officer being won over to report against the workman. As a matter of fact, the Hon'ble Minister in charge of Bill had no such intention when he drafted the Bill himself. When the Bill was drafted, sub-clause (*4*) was added to section 24A, because originally this section provided that the medical referee was to be appointed on the joint application of both parties in the prescribed manner when there was no agreement on the question to be decided. If there is a joint application by both parties and if the medical referee is actually appointed by the Commissioner, it shows that there is some reason behind such application.

Now, Sir, under sub-clause (*4*) the report of the medical referee shall be conclusive proof of the facts. But, Sir, matters have been made different by the addition in the Select Committee of the words "or on the application of either party". In default of agreement between the two parties concerned, the employer may come and make an application on which the matter will be referred to a medical

referee. Now, the report given by the referee becomes conclusive proof against the employee although he did not agree to refer the matter to that medical referee. Sir, the report of a medical referee may be made conclusive only when the referee is appointed on a joint application but never, Sir, when the referee is appointed on the application of either party.

Therefore, Sir, this addition of words "or on the application of either party" should be deleted.

Mr. J. B. ROSS: Mr. President, Sir, I am afraid, I must oppose this amendment. It seems to me that my honourable friend Mr. Lalit Chandra Das has a quite mistaken idea that this Bill is designed to do the workman an injury. Rather, on the contrary, it is to enable him to have proceedings in a claim expedited and his case settled in a much shorter time than is possible under present conditions.

Now, I will tell you exactly where the application by either party is of benefit to the workman: of great benefit in my opinion. In the event of a workman having a doctor who is not very influential and the employer having a doctor who is extremely well-known and very influential, the pleader of the workman goes to the pleader of the employer and says, "Look here. I am afraid that the opinion of your doctor is going to over-awe the court and I am going to lose my case. I think this is a matter in which we should jointly agree to request the Commissioner to refer the matter to a medical referee." The employer says in reply, "No, nothing of the sort; I do not agree."

Therefore, if this amendment is accepted, the workman loses the advantage of being able on his own initiative to take the protection of a medical referee. I, therefore, strongly oppose this amendment.

The Hon'ble Mr. H. S. SUHRAWARDY: I also oppose this amendment, Sir, and the other amendments that have been tabled for the purpose of providing that the reference may only be made on the application of both parties. It is true, Sir, that when I first brought in the Bill I had limited it to an agreement of both the parties. But at that time I had voiced certain misgivings and the misgivings were that if we found that the workmen were not taking advantage of this Bill we may have to go in for reference on the application of only one party. Let us realize what are the difficulties of the workmen at the present stage. To-day an employer is always able to procure the evidence of a medical practitioner of eminence whose evidence will carry weight with the court. The employee, the workman, is unable to produce a medical practitioner of that standing and therefore the evidence of the medical practitioner of the employer always carries the day. Now, if you limit the reference to a medical referee only when both parties agree, then the employer's doctor will always win. The

workman generally and most unfortunately is in the hands of persons who are out to exploit him. He does not know who is a good medical practitioner and who is not. He does not know how his evidence should be properly placed before the court. He generally falls into the hands of touts. Now, these touts have got their own doctors, and they will see to it that these doctors are engaged rather than the cheaper and more efficient method of a medical referee. That is why we find that workman will stand to lose if the reference is limited to a joint application.

Sir, on a consideration of these facts and further that the Bill was designed to fall in line with the English practice, we have introduced this new clause with the following proviso—"Provided that where an application is made by only one of the parties, if the Commissioner is of the opinion that the question is one which ought not on account of the exceptional difficulty of the case or for any other sufficient reason be referred to a medical referee, he may after recording his reasons in writing reject the application." Therefore, if you can show to the Commissioner where the reference has been made by one party only, that there are good reasons why he should decide the case himself, he will do so. He has not necessarily to appoint a referee. The proviso reproduces almost word for word the law as it exists in England, and which has worked quite satisfactorily. I hope that the honourable members will accept my contention and reject not only this amendment but all those amendments where it is proposed to delete "or on the application of either party".

Mr. PRESIDENT: The question before the House is: that in clause 4 of the Bill, in sub-section (*1*) of the proposed section 24A, the words "or on the application of either party" in lines 24 and 25 be deleted.

(The amendment was negatived.)

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to move that in clause 4 of the Bill, in sub-section (*4*) of the proposed section 24A, for the words "conclusive proof of the facts related therein" in lines 3 and 4, the following be substituted, namely:—

> "proof of the facts related therein and in case the report was submitted by a medical practitioner jointly selected by both parties it will be conclusive proof of the facts related therein".

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, the object of my moving this amendment is not to give a blank cheque to the medical referee. Provision has been made practically to give him

extremely large powers. Not only does the Commissioner of Workmen's Compensation abdicate his powers in favour of the medical referee but he has also been given non-appealable powers and his finding will be final and conclusive. Even when the medical referee has been selected by only one of the parties, his finding will be conclusive. Sir, the very large powers which are going to be given to this expert are unprecedented in any judicial proceeding. In all judicial proceedings even experts are cross-examined and their evidence is challenged, if necessary. Further evidence is, therefore, required to be adduced to in order to show that his evidence may be wrong or that he may have erred; for to err is human. So, I think that his evidence should not be conclusive. Unless the referee is selected by both parties, his evidence must be rebuttable and opportunity must be given to prove that it is wrong.

Mr. PRESIDENT: Amendment moved: that in clause 4 of the Bill, in sub-section (*4*) of the proposed section 24A, for the words "conclusive proof of the facts related therein" in lines 3 and 4, the following be substituted, namely:—

> "proof of the facts related therein and in case the report was submitted by a medical practitioner jointly selected by both parties it will be conclusive proof of the facts related therein".

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Mr. President, Sir, I think, my friend the Khan Bahadur is working under a misapprehension. In fact, according to the provisions of the Bill it will be better if the medical officer submits his report to the Commissioner of Workmen's Compensation. The Judge will certainly treat the evidence as conclusive and pass his award accordingly. (Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: In other cases, what will happen ?) Well, in other cases, the Judge has got the power to send for the medical referee and examine him.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support the amendment as this provision gives far too wide powers to the medical referee and makes his report absolutely conclusive. This power is extraordinary and is not to be found in any other Acts. We find that the reports of Chemical Examiners are automatically made evidence in criminal trials under section 510 of the Criminal Procedure Code. Such reports may be used as evidence and even such reports are rebuttable. And it should be remembered in this connection that a Chemical Examiner has not to deal with very difficult or doubtful matters but with easy routine matters. He has got to decide whether a certain strain contains blood and, if so, whether it is human blood or

otherwise, and whether there is any poison in a particular sample, and the like and these are very simple tests; but still the Legislature has not thought it fit to make his report conclusive. So, it will be found that even when he deals with very easy scientific matters, his report is not conclusive. The matters in connection with the death of a workman on the other hand, are disputed matters where there will be considerable room for doubt and difference of opinion. I submit that his report should not be made conclusive. I think, however, that if the parties agree in the selection of a particular medical referee, then such report may be made conclusive. There is certainly a laudable anxiety on the part of the Hon'ble Minister to make the enquiries short, but this amendment will sufficiently safeguard the interests of both sides. Therefore, I support the amendment.

Mr. LALIT CHANDRA DAS: Sir, acting on the principle that half a loaf is better than no bread, I desire to support the amendment which has been moved by my friend Khan Bahadur Saiyed Muazzamuddin Hosain. I do only hope that he will not withdraw it.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I am afraid, this amendment has been moved owing to a misunderstanding as has been pointed out by Mr. K. C. Roy Chowdhury. Unfortunately, I am dealing with a magistrate and a lawyer. I would ask them to remember what the scope of the Bill is. The Bill is not for the purpose of finding out what is the expert opinion in a particular case. It is not the case of an expert looking into a certain case and coming to court, giving evidence, being cross-examined by one party or both parties on the evidence before him. But the whole purpose of the Bill is to shorten the proceedings in the matter where employers and labourers are concerned. It is not the case of a court of law where expensive lawyers are engaged and evidence is led from either side and parties are well-matched, with big people who have got money and who can engage expert lawyers. Such is not the case here. Here the matter is being referred to a referee and not to an expert. The whole scope of the Bill is that the matter should be referred to a person to whom final power should be given and his report would be final. My friend Khan Bahadur Saiyed Muazzamuddin Hosain says that only if the matter is referred to a person who is jointly selected it should be conclusive proof of the facts found. But where is the difference if the Commissioner chooses a doctor out of a panel of respectable people—chosen not from the streets but chosen from among respectable persons; why should he be subjected to cross-examination merely because he has been selected by the Commissioner? The selection by the Commissioner from a panel of respectable medical practitioners is a sufficient safeguard against any undue influence. Had the doctor been selected by the employer then the employee could have said that as

he had been selected by one party he should be cross-examined, the same thing could have also been said by the employer if the doctor had been selected by the employee. But here the two parties not being in agreement if one of them applies for a referee, the Commissioner will appoint a referee. Sir, in these circumstances, I fail to understand why there should be any objection to the report of a medical referee appointed by the Commissioner. You will see also that the proviso applies whether the medical practitioner is chosen by both parties or by the Commissioner, and whether the application is made by both parties or by one party for a medical practitioner. In either case, if you can prove before the Commissioner that in the interest of justice further evidence will be necessary, it will be led accordingly. I believe Khan Bahadur Saiyed Muazzamuddin Hosain's intention is that the parties should be permitted to appear before the Commissioner and place facts before him which may induce him in the interest of justice to adduce further evidence.

In order to satisfy him, I am prepared to accept this, if he will withdraw his amendment, namely, that after the word "Commissioner" in the proviso to sub-section (*4*)—I shall read out the proviso, Sir,—as it will stand—

Provided that such report shall not be so regarded as conclusive proof of the facts related therein if in the particular proceedings the Commissioner either of his own motion or on application being made to him by either party, for reasons to be recorded by him in writing, deems it expedient in the interests of justice to allow the parties to adduce further evidence on such facts.

I have read the proviso, Sir, in the amended form with the addition of the words "either of his own motion or on application being made to him by either party". This amendment, Sir, I am prepared to accept if the Khan Bahadur will withdraw his amendment. Now this will give ample opportunity to anybody who wishes to complain against the conclusiveness of the evidence to appear before the court and induce it to adduce further evidence.

I hope, Sir, that you will allow this short-notice amendment being moved, if the Khan Bahadur withdraws his amendment.

Mr. LALIT CHANDRA DAS: Is it your amendment?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, after the word "Commissioner"——

Mr. PRESIDENT: If the amendment of Khan Bahadur Saiyed Muazzamuddin Hosain is withdrawn, then I shall permit the other amendment as now suggested by the Hon'ble Minister, to be moved.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I think, Sir, the amendment which has been proposed by the Hon'ble Minister will meet my point and so I beg leave of the House to withdraw my amendment.

Mr. PRESIDENT: Is it the pleasure of the House to permit Khan Bahadur Saiyed Muazzamuddin Hosain to withdraw his amendment?

(The amendment was, by leave of the House, withdrawn.)

Mr. MESBAHUDDIN AHMED: Sir, I beg to move that in clause 4 of the Bill, in the proviso to sub-section (*4*) of the proposed section 24A, after the word "Commissioner" in line 3 the following be added, namely:—

"either of his own motion or on application being made to him by either party".

Mr. PRESIDENT: Amendment moved: that in clause 4 of the Bill, in sub-section (*4*) of the proposed section 24A in the proviso, after the word "Commissioner" in line 3, the following words be added:—

"either of his own motion or on application being made to him by either party".

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I think this meets my point, as this provision will enable the party to adduce further evidence before the Commissioner. If he wants to impugn the report of the medical officer and if he can satisfy the Commissioner, then he will be able to adduce further evidence in support of his contention. So, I think I should support this amendment.

Mr. PRESIDENT: The question before the House is: that in clause 4 of the Bill, in sub-section (*4*) of the proposed section 24A in the proviso, after the word "Commissioner" in line 3, the following words be added:—

"either of his own motion or on application being made to him by either party".

(The amendment was agreed to.)

Mr. J. McFARLANE: Sir, I beg to move that in clause 4 of the Bill, the proposed section 24B be renumbered as sub-section (*1*) of that section and the following new sub-section be added after it:—

"(*2*) the Provincial Government may at any time add to or otherwise amend the said list of qualified medical practitioners and shall publish any such addition or amendment in the Official Gazette."

Sir, the object of my amendment is to fill up a gap which appears in the Bill. The Bill stipulates that there should be a list prepared of medical referees in the fist place, and I think it is right and proper that the Government should have power to amend the list as circumstances require.

Mr. PRESIDENT: Amendment moved: that in clause 4 of the Bill, the proposed section 24B be renumbered as sub-section (*1*) of that section and the following new sub-section be added after it:—

"(*2*) the Provincial Government may at any time add to or otherwise amend the said list of qualified medical practitioners and shall publish any such addition or amendment in the Official Gazette."

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support this amendment. It probably supplies a gap, but I think this is covered by the provisions of the Bengal General Clauses Act. I think there it is stated that if the Government can make any appointment anywhere it can also make necessary changes. But I am not sure whether the proposed sub-clause (*2*) would be unnecessary on account of this. Here it is no question of appointment. It is a question of consolidating the list. So, the power of addition and alteration in the list, which is previously made, should be specifically given.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, this is a very small matter. Khan Bahadur Naziruddin Ahmad has very rightly pointed out that this amendment is unnecessary. The Government that publishes a list can also add to or subtract from it or amend it. It does not stand to reason that once the list is prepared or published, it shall remain eternally unchanged. I do not think that Mr. McFarlane wants this unnecessary appendage to the Bill. Of course, I have no objection to accept his amendment but as I have said that Government has power to amend and alter the list. I think it is unnecessary and I hope he will withdraw it.

Mr. J. McFARLANE: I think I had made it absolutely clear why this amendment should be included; but in view of the Hon'ble Minister's statement that it is unnecessary, I beg leave of the House to withdraw it.

Mr. PRESIDENT: Is it the pleasure of the House to permit Mr. McFarlane to withdraw his amendment?

(By leave of the House the amendment was withdrawn.)

Mr. PRESIDENT: The question before the House is: that clause 4 as amended stand part of the Bill.

(The motion was agreed to.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in clause 5 of the Bill, in the proposed new clause (*ff2*), for the words, figure and letter "under section 24A" occurring in the end, the words, figures and letter "under sub-section (*1*) of section 24A" be substituted.

Sir, this is a mere drafting amendment. The clause is a very long one and the specification of this part of the clause as sub-section (*1*) would relieve much of the trouble of the reader. In these circumstances, it will be regarded as a considerable amount of relief and thankfulness by the Commissioner, the parties as well as the lawyers.

The Hon'ble Mr. H. S. SUHRAWARDY: I accept the amendment, Sir.

Mr. PRESIDENT: The question before the House is: that in clause 5 of the Bill, in the proposed new clause (*ff2*), for the words, figure and letter "under section 24A" occurring in the end, the words, figures and letter "under sub-section (*1*) of section 24A" be substituted.

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is: that clause 5, as amended, stand part of the Bill.

(The motion was agreed to.)

The question before the House is: that the title and the preamble be added to the Bill.

(The motion was agreed to.)

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to move that the Workmen's Compensation (Bengal Amendment) Bill, 1941, as settled in the Council, be passed.

Sir, I thank the honourable members for their assistance.

Mr. PRESIDENT: Motion moved: that the Bengal Workmen's Compensation (Bengal Amendment) Bill, 1941, as settled in the Council, be passed.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, although we have supported the Bill in order to expedite matters, still I have some doubts as to whether the Bill will do real good to the people for whom it is meant. For I have from my own personal experience found that experts have not always held the same opinion

in many cases. I may cite a personal instance. When I made an application for the commutation of my pension, the Civil Surgeon of Mymensingh disqualified me, that is to say, he opined that I was not qualified to get commutation. I was asked by Government to have myself examined by the Medical Board and they decided that I was quite fit for getting commutation. So, I do not think that if you leave to a single man very large powers of decision, he will always be able to give correct decisions and do justice to the people but, still, as the consensus of opinion in this House is that expedition should be aimed at in these matters, and variance of opinion will probably occur only in one among a hundred cases, I support the passage of the Bill.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Sir, I offer my hearty congratulations to the Hon'ble Minister on the passage of the Bill, as I am sure it will benefit the workmen and will help them in getting compensation in such cases. In this connection, I should like to point out to the Hon'ble Minister that the observation that he made elsewhere that he would not introduce any Bill henceforth in the Upper House was not quite fair to this House, for this expeditious and smooth passage of the Bill here shows that we can also do real business in this House.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I also rise to support the Third Reading of the Bill. In doing so, I should also state that the working of the Act should be carefully watched to see whether it is of any real benefit to the poor workman for whom it is intended.

As regards the opinion of experts, I have had some experience and would like to cite to the House an illustration which is not taken from any book but from hearsay, and it is as follows:—There was a patient, in a certain hospital, who was expected to die very soon. The doctor would have to give a certificate of death but as he had some urgent engagement and would not be back till some time after, he signed his death certificate in anticipation and left the hospital. The men at the morgue finding that the man had been certified to be "dead", came and entered the ward and were dragging the patient. Meanwhile, the patient had recovered and wondered as to why he was being dragged in that way and challenged the propriety of the act. Whereupon the men of the morgue said: "Well, you are dead and we are taking you for *post-mortem* examination". The patient was astonished and said, "I am not dead; I am perfectly alive." To which they said, "You say you are alive but a doctor receiving Rs. 2,000 a month, says you are dead. We cannot listen to you." So, you will see, Sir, that the opinions of experts are not always reliable. When they differ, they differ so violently an enthusiastically that it is impossible to regard their

opinions with any amount of confidence. In these circumstances, although we have supported the Bill, we would request that the working of the Act should be carefully watched to see that it does not injure the interests of the people for whose benefit it is going to be passed. And if it really works against the interest of the people, then, Sir, the provisions of the Bill should be reconsidered in the light of experience. With these words, I support the Third Reading of the Bill.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I believe that on the whole this Bill will benefit the workmen. I assure the honourable members that I shall watch the working of the Bill very carefully and if I find that the interest of the workers are not being sufficiently safeguarded, I shall certainly make every effort to amend this Bill, so as to confer, as the two Khan Bahadurs have said, real benefit upon the workers. There is a difference between an expert and a referee; in this Bill the referee is not in the same position as a man who is paid by a party, or who is called in the interests of a party. He is meant to be a joint referee to look to the justice of the case——

Mr. LALIT CHANDRA DAS: He will be appointed on the application of one party and not on the application of both parties according to the Bill as now passed.

The Hon'ble Mr. H. S. SUHRAWARDY: But he is not going to be paid by one party or the another; but by both parties although the application for appointment of a referee may be by one party. The fact remains that the referee will not be appointed by any party but by the Commissioner from a panel of men selected by Government——

Mr. LALIT CHANDRA DAS: But the cost of the referee will be paid by the party who makes the application for referee.

The Hon'ble Mr. H. S. SUHRAWARDY: No, the payment of cost would depend upon the result of the case; the costs will follow the findings of the referee. The referee is a sort of judicial officer, not appointed by any one party and consequently it is unlikely that instances of the type cited by the two Khan Bahadurs would occur. The referee in this case is not in the position of an expert and that is the reason why we have excluded from the Bill any provision for cross-examination. He is in the position of an impartial honourable gentleman attempting to find out the truth in the matter of a dispute between the employer and the employee.

Mr. PRESIDENT: The question before the House is: that the Workmen's Compensation (Bengal Amendment) Bill, 1941, as settled in the Council, be passed.

(The motion was agreed to.)

The Bengal State Aid to Industries (Amendment) Bill, 1941.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to move that the Bengal State Aid to Industries (Amendment) Bill, 1941, be taken into consideration.

Sir, the honourable members know that the Bengal State Aid to Industries Act was passed in 1931 generally on the lines of similar Acts passed in some other provinces and it was put into force in 1934. The Act was designed mainly to afford financial assistance to cottage industries and industries carried on with small expense in the shape of loans and cash credit etc.

Sir, experience has shown that the measure has not worked very satisfactorily and that there is a good deal of room for improvement. Some of the provisions of the Act are so rigid that the measure cannot be applied as liberally as was originally intended by Government. Now, therefore, it is proposed by this amending Bill to liberalize some of the provisions of the Act in such a way that all persons who should, according to the original intention of Government, get benefit may derive the same. I would only refer to one clause of the Bill, namely, clause 6. That clause seeks to amend the proviso to section 19. Here it will be seen, Sir, that according to the existing proviso the amount of a loan that can be advanced is restricted to 50 per cent. of the net value of the assets of the industry to which the loan is granted. This is tantamount to restricting the security only to existing industries. It has been found, Sir, that many persons who have no established industries but who want to start new industries, cannot apply under this measure, because they have no assets of the industry at present to offer as security. Sir, this has worked very harshly on those persons who want to start new industries after receiving some aid from Government under the State Aid to Industries Act. Again, there are persons who have certain existing industries but they want to expand them. They also cannot under the present circumstances derive any benefit from this measure. Therefore, now it is proposed to alter this section in such a way that persons who want to start new industries may also apply for loan. The change will be effected by empowering persons to apply not on the security of the assets of the existing industry but on the security of their own assets. That will remove the difficulty and I think, if the Act is so amended, a larger section of the public who want to take advantage of the measure will be in a position to do so.

Sir, at this stage I do not like to refer to the other changes proposed. I commend my motion to the acceptance of the House.

Mr. PRESIDENT: Motion moved: that the Bengal State Aid to Industries (Amendment) Bill, 1941, be taken into consideration.

Mr. MESBAHUDDIN AHMED: Sir, I beg to move, by way of amendment, that the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. Tamizuddin Khan, Minister in charge of the Agriculture and Industries Department,
(2) Khan Bahadur Muhammed Asaf Khan,
(3) Mr. Nur Ahmed,
(4) Khan Sahib Abdul Hamid Chowdhury,
(5) Rai Radhica Bhusan Roy Bahadur,
(6) Mr. Lalit Chandra Das,
(7) Mr. Birendra Kishore Roy Chowdhury,
(8) Rai Keshab Chandra Banerjee Bahadur,
(9) Mr. D. J. Cohen,
(10) Mr. R. W. N. Ferguson, and
(11) the mover,

with instructions to submit their report by the 30th of November, 1941, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Sir, it was the original intention of Government to take the Bill straightaway to the House and to discuss it. But, after mature consideration and in deference to the opinions expressed by some of the members, it has been proposed to refer the Bill to a Select Committee.

Mr. PRESIDENT: Motion moved: that the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. Tamizuddin Khan, Minister in charge of the Agriculture and Industries Department,
(2) Khan Bahadur Muhammed Asaf Khan,
(3) Mr. Nur Ahmed,
(4) Khan Sahib Abdul Hamid Chowdhury,
(5) Rai Radhica Bhusan Roy Bahadur,
(6) Mr. Lalit Chandra Das,
(7) Mr. Birendra Kishore Roy Chowdhury,
(8) Rai Keshab Chandra Banerjee Bahadur,
(9) Mr. D. J. Cohen,
(10) Mr. R. W. N. Ferguson, and
(11) the mover,

with instructions to submit their report by the 30th of November, 1941, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

The question before the House is: that the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. Tamizuddin Khan, Minister in charge of the Agriculture and Industries Department,

(2) Khan Bahadur Muhammed Asaf Khan,

(3) Mr. Nur Ahmed,

(4) Khan Sahib Abdul Hamid Chowdhury,

(5) Rai Radhica Bhusan Roy Bahadur,

(6) Mr. Lalit Chandra Das,

(7) Mr. Birendra Kishore Roy Chowdhury,

(8) Rai Keshab Chandra Banerjee Bahadur,

(9) Mr. D. J. Cohen,

(10) Mr. R. W. N. Ferguson, and

(11) the mover,

with instructions to submit their report by the 30th of November, 1941, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

(The motion was agreed to.)

Mr. PRESIDENT: The Council stands adjourned till 2-15 p.m. to-morrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 29th August, 1941.

Members absent.

The following members were absent from the meeting held on the 28th August, 1941:—

(1) Rai Bahadur Keshab Chandra Banerjee.
(2) Mr. Shrish Chandra Chakraverti.
(3) Mr. Hamidul Huq Chowdhury.
(4) Mr. Humayun Reza Chowdhury.
(5) Khan Bahadur Alhadj Khwaja Muhammad Esmail.
(6) Mr. Kanai Lal Goswami.
(7) Mr. Mahomed Hossein.
(8) Mr. Humayun Kabir.
(9) Maulana Muhammad Akram Khan.
(10) Mr. Naresh Nath Mookerjee.
(11) Dr. Radha Kumud Mookerji.
(12) Mr. Ranajit Pal Chowdhury.
(13) Dr. Kumud Sankar Ray.
(14) Raja Bahadur Bhupendra Narayan Sinha.
(15) Khan Bahadur M. Abdul Karim.

B. G. Press—1941-42—7391A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

Second Session—No. 17.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 29th August, 1941, at 2-15 p.m., being the seventeenth day of the Second Session, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTION AND ANSWER

Cyclone in Noakhali and Barisal.

65. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) how many villages in the district of Noakhali and in the district of Barisal have been affected by the recent cyclone;

(*b*) how many people in each of those districts died as a result of that cyclone;

(*c*) what approximately would be the damage done to the properties, including crops, in those areas, and what would be the damage done to Noakhali town itself;

(*d*) how much up till now has been spent by the Government for the affected areas of Barisal in gratuity and in loans and how much similarly has been spent for those places in Noakhali including the town of Noakhali;

(*e*) what other organisations are working for the relief of the distressed in the affected areas;

(*f*) how long in the estimation of the Government would it be necessary to continue the relief measures; and what provision has been made by the Government to meet the situation; and

(*g*) whether the Government can give an assurance that there was no case of starvation in any of those areas and that Government will take all steps that no such case occurs?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Noakhali—The exact number of villages affected by the cyclone alone cannot be ascertained as the cyclone was accompanied and followed by excessive rainfall which was also largely responsible for distress in villages.

Bakarganj—1,366.

(*b*) Noakhali—119.

Bakarganj—2,879.

(*c*) Noakhali (including Noakhali town).

It is not yet possible to make even an approximate estimate.

Damage to crops has been as follows:—

	Rs.	as.	p.
Aus ...	0	8	0
Jute ...	0	10	0

Noakhali town—No separate estimate was prepared.

Bakarganj—No estimate of damage done to property other than crops and trees could be made. Generally speaking, destruction of houses was the worst in Bhola and some portions of Patuakhali and a small area in Sadar subdivisions. Four annas to five annas of *supari* trees were blown down. *Pan borojes* were also considerably damaged, but the plants were not killed.

Aus crops have not been affected to any considerable extent.

(*d*) Up to 16th August, 1941, the following amounts were sanctioned by Government for distribution:—

	Rs.
Noakhali.	
Gratuitous relief (including Rs.50,000 for paddy husking) ...	1,00,000
Agricultural loans ...	12,40,000
Test Relief Works ...	35,000
Bakarganj.	
Gratuitous relief ...	2,00,300
Agricultural loans ...	22,40,000
Test Relief Works ...	1,70,000

(*e*) In Noakhali, the following organisations:—

(*i*) The Muslim League Relief Committee;

(*ii*) The Hindu Mahasabha Relief Committee;

(*iii*) The Sankat Tran Samity; and

(*iv*) A Branch of the Central Relief Committee.

In Bakarganj, the following organisations:—

(*i*) The Ram Krishna Mission;

(*ii*) The Hindu Mahasava;

(*iii*) The Muslim League;

(*iv*) Bharat Sevasram; and

(*v*) Congress.

(*f*) It is estimated at present that relief operations would be necessary up to November, 1941. Agricultural loans are being distributed and gratuitous relief is being given freely in the affected areas. Test relief operations in the shape of repair of roads, water-hyacinth and jungle clearance, clearance of betelnut plantations demolished by the cyclone, paddy husking, etc., have been organised all over the locality affected by the cyclone. These relief measures will continue as long as the distress continues.

A special loan scheme has been sanctioned for giving relief to middle class non-agriculturists in districts of Bakarganj and Noakhali.

For the organisation of relief work, the affected areas have been divided into a number of relief units of suitable area, and one Relief Officer has been placed in charge of each unit.

Arrangements have also been made for medical relief, prevention of epidemic, and sanitation.

Forty medical units complete with medicines and equipments, and 26 doctors and Sanitary Inspectors in charge of 2 Assistant Surgeons were deputed to Bakarganj for rendering medical relief. Of these, 35 medical units and two Sanitary Inspectors in charge of 1 Assistant Surgeon are now working in the district. 227 maunds of unslaked lime and 100 drums of bleaching powder for disinfection of the polluted tanks and other sources of water-supply have also been supplied to the district.

Twelve medical units (including 2 for the Noakhali town) complete with medicines and equipments and 20 doctors and Sanitary Inspectors have been sent to the Noakhali district. 55 drums of bleaching powder (including 5 drums for the Noakhali town) have been supplied to the district for disinfection purposes. Another 45 drums (including 5 drums for the Noakhali town) have already been ordered to be despatched to the District Board. 100 lbs. each of Quinine Sulphate and Cinchona Febrifuge have also been supplied to the District Board.

(*g*) No case of death due to starvation is known to Government. All possible steps are being taken by Government to prevent starvation.

Message from the Bengal Legislative Assembly.

SECRETARY to the COUNCIL (Dr. S. K. D. Gupta): Sir, I have received the following message from the Bengal Legislative Assembly:—

"The Bengal Markets Regulation Bill, 1941, as passed by the Bengal Legislative Assembly at its meeting held on August 20, 1941, has been duly signed by me and is annexed herewith. The concurrence of the Bengal Legislative Council to the Bill is requested.

M. AZIZUL HAQUE,
Speaker, Bengal Legislative Assembly."

Sir, I herewith lay on the Table the Bengal Markets Regulation Bill, 1941, which was passed at the meeting of the Bengal Legislative Assembly held on the 20th August, 1941.

Non-official Resolutions.

Mr. PRESIDENT: The House will now resume further consideration of the following resolution moved by Mr. Nur Ahmed on the 1st August, 1941, *viz.*:—

This Council is of opinion that the urgent necessity of taking such early steps as Government deem proper with a view to bring about an uniform and all-round improvement in the quality and nature of education imparted at present in various schools and colleges, especially in the following direction as far as practicable be urged upon the Government of Bengal:—

(*a*) introduction of suitable vocational and industrial training;

(*b*) introduction of appropriate physical training in upper classes of primary schools, middle and secondary and other high schools with the purpose of making the pupils military minded;

(*c*) introduction of mid-day tiffin in schools;

(*d*) increase in the number of scholarships for boys and girls of primary schools and introduction of such changes in the syllabus and curriculum as are deemed necessary to make the education really beneficial and useful in all possible ways for the recipients of the same.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, at the outset, I would like to congratulate the honourable member for moving this comprehensive resolution. It certainly throws considerable light

on very important problems and gives Government an opportunity to express their view on them. The resolution divides itself into four parts:—

(*a*) Introduction of suitable vocational and industrial training: This question has been engaging the attention of Government for some time past and Mr. Sargent, the Education Commissioner with the Government of India, has submitted a very valuable memorandum on this important question. In that memorandum Mr. Sargent has considered the question of vocational training and he is of opinion that there must be a bifurcation at some stage, *i.e.*, at some stage the education of those students who will take to vocational training should be switched off to that department. Sir, this memorandum also dealt with several other questions which are ancillary to this problem and this valuable memorandum is being examined and considered by the Department of Education of this Government.

Sir, the next point raised in the resolution is "introduction of appropriate physical training in upper classes of primary schools, middle and secondary and high schools with the purpose of making the pupils military minded". This is a proposal which, I believe, meets with the approval of the general public, the honourable members of the Legislature and of Government. But I hope the House realizes that the proposal is by no means free from difficulties, difficulties due to financial reasons as well as about making necessary arrangements in every school for imparting such military training. Sir, this question is also being considered by the Education Department in consultation with the Home Department of this Government. But the hands of the Military Authorities are too much full at the present moment with more important affairs and their advice and guidance are necessary before Government can draw up a scheme or can give effect to a scheme.

Dr. KUMUD SANKAR RAY: What about "mid-day tiffin?"

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, I am coming to that.

So, this matter is being examined and Government hope that in proper time they will come to a decision, and I can assure the honourable mover and the House that Government have got every sympathy with the proposal.

As regards (*c*), Government have already accepted it on principle and they have made large grants for introducing the system of mid-day tiffin. I believe they spend annually something like Rs. 50,000 now for encouraging the habit of mid-day tiffin for school students.

Sir, the last portion of the resolution is "increase in the number of scholarships for boys and girls of primary schools and introduction of

such changes in the syllabus and curriculum as are deemed necessary to make the education really beneficial and useful in all possible ways for the recipients of the same".

Sir, the whole question is being considered very sympathetically, I can assure the honourable member, by the Hon'ble the Chief Minister who is also the Education Minister but this also involves very large expenditure and he hopes to come to a decision before long. He yields to none in his anxiety to help the education of students by providing suitable scholarships to those who are in indigent circumstances. So, Government are in a position, Sir, to say that they have got every sympathy with the principle underlying each and every part of the resolution and they are already engaging Government's attention.

Mr. NUR AHMED: Sir, I thank the Leader of the House for his sympathetic treatment of the resolution. This resolution is very important from the educational point of view and from the point of view of the intellectual advancement of the people of Bengal. Sir, I am glad that the Hon'ble the Leader of the House has promised to take necessary steps for implementing this resolution.

With these few remarks, Sir, I commend my resolution to the acceptance of the House.

Mr. PRESIDENT: The question before the House is: that this Council is of opinion that the urgent necessity of taking such early steps as Government deem proper with a view to bring about an uniform and all-round improvement in the quality and nature of education imparted at present in various schools and colleges, especially in the following direction as far as practicable be urged upon the Government of Bengal:—

(*a*) introduction of suitable vocational and industrial training;

(*b*) introduction of appropriate physical training in upper classes of primary schools, middle and secondary and other high schools with the purpose of making the pupils military minded;

(*c*) introduction of mid-day tiffin in schools;

(*d*) increase in the number of scholarships for boys and girls of primary schools and introduction of such changes in the syllabus and curriculum as are deemed necessary to make the education really beneficial and useful in all possible ways for the recipients of the same.

(The resolution was agreed to.)

Mr. LALIT CHANDRA DAS: Sir.. I beg to move that this Council is of opinion that Government should take steps for immediate provision of 100 free beds in the Jadavpur Tuberculosis Hospital.

Sir, the Jadavpur Tuberculosis Hospital is connected with the name of a young Bengali Mr. Provas Chandra Ghose who fell a victim to this fell-disease. He so keenly felt the absence of a tuberculosis sanatorium in this province that he bequeathed his whole property worth about Rs. 2 lakhs to a Board of Trustees who in their turn made over the whole of his assets to the Calcutta Medical Aid and Research Society registered under Act XXI of 1860. That society lost no time in acquiring land at Jadavpur, 6 miles south of Calcutta, where they established a small cottage hospital to accommodate four T. B. patients in 1923. From this small beginning, thanks to the help of the Local Government who contributed, I believe up to now over Rs. 2½ lakhs and also thanks to the munificent recurring as well as non-recurring grants from the Calcutta Corporation and other public bodies, the said society was now in a position to accommodate about 200 patients. I believe the hospital is situated on about 70 bighas of land of its own and is also equipped with up-to-date appliances. There are arrangements for electric light and water. There is an operation theatre, X-ray apparatus, ultra-violet lamps. There are arrangements for light in-door games and two wireless sets to provide recreation for the patients. It is the only institution of its kind in this province. If it must survive and thrive, as survive and thrive it must, it must be through the fostering care of the Government which claims to be a Government of the people, for the people and by the people. Sir, the honourable members of this House are aware that the instances of tuberculosis with its appalling death-rate are rapidly increasing and the scourge is spreading its ravages even to the distant corners of this far-flung province. There is a saying "one sickly sheep infects the flock". In the human society also,— for after all, it is the animal world we live in,—one T. B. patient infects at least 10 healthy people. If no arrangement is made to check the incidence of this fell disease, this horrible state of affairs will continue. Now, Government has a duty of its own which it cannot avoid in the interest of public health. The number of T. B. patients in the rural areas of Bengal, who have not got sufficient means to make both ends meet—is increasing by leaps and bounds. It is calculated that a T. B. patient must spend Rs. 2 per diem to meet all the requirements of his case. This means that roughly it will require Rs. 800 a year—but where will a poor man afflicted with this fell disease get this money? We all know that great difficulty is experienced by a T. B. patient in getting free accommodation owing to the scanty number of beds available in this the only sanatorium in the province. I have already stated before that the Jadavpur Hospital is the only institution of its kind in Bengal where there are arrangements for the treatment of T. B. patients but

difficulties are being experienced by the authorities as regards accommodation. There are numerous requests for admission of patients from such high personages as the Premier and other Hon'ble Ministers and honourable members of the Legislatures and the Secretaries of the different departments of Government; but there is not sufficient accommodation and unfortunately owing to insufficient number of beds, the authorities have to regret inability to comply with those requests. The well-known fact is that once admitted, a tuberculosis patient has got to be treated for a very long period, for months and perhaps for years, and on the whole on an average for about a year. Just consider one fact. There are 310 members in the Legislative Council and the Assembly here. If one poor patient hailing from the constituency of each of us has got to be admitted and provided with one free bed each, then the number of free beds should come to 310. As I said before, Sir, from a modest beginning, the authorities of the Jadavpur Tuberculosis Hospital have been able to raise the number of beds to about 200, but it is practically impossible for a poor private organisation with the very limited resources at its disposal to meet the increasing demand for accommodation from all quarters of the province. Every year hundreds of indigent patients have to be refused admission for lack of accommodation and the authorities of this hospital are greatly embarrassed in not being able to accommodate even the most urgent and deserving cases sent by various responsible persons. This institution is working very creditably as we all know. The need is being keenly felt for raising the number of beds at least to 500. The Government of Bengal make a grant for the reservation of ten free beds only, but the number of patients who come from the rural areas to this hospital can be counted by hundreds, so that this amount is most insufficient. At least 100 free beds should be provided for without delay for the time being. If the Calcutta Corporation could make a reservation of 30 free beds for the ratepayers of Calcutta, then I make bold to say that the claim now made by me that the Government of Bengal should reserve at least 100 free beds in the Jadavpur Tuberculosis Hospital cannot be considered to be either unreasonable or extravagant. The claim rather errs on the side of moderation. It is to be deeply regretted that sufficient funds have not yet been found for the development of this very useful institution so as to enable it to meet the urgent requirements of the province. As I said before, Sir, the hospital has at present about 200 beds and they have now got to be raised at least to 500. It is for the Government and the generous public to come to the assistance of this hospital to enable it to complete the scheme of 500 beds. In the meantime, Government has a clear duty of its own. It should not be niggardly in regard to it. I do hope and I appeal that the Government will feel it their duty to help this hospital with a recurring grant of at least a lakh of rupees in order to enable it to maintain 100 free beds for the poverty-stricken patients of Bengal

with immediate effect, and I hope and trust that in this, I do not appeal in vain. With these words, Sir, I move my resolution and commend it to the acceptance of the House.

Mr. PRESIDENT: Resolution moved: that this Council is of opinion that Government should take steps for immediate provision of 100 free beds in the Jadavpur Tuberculosis Hospital.

Mr. SACHINDRA NARAYAN SANYAL: Mr. President, Sir, I extend my whole-hearted support to the laudable resolution of my esteemed friend, Mr. Lalit Chandra Das. I dare say that there cannot be two opinions on the subject and that all right-thinking men, whatever party they may belong to, should consider it their duty to fight this tuberculosis menace. Sir, formerly we had a notion that tuberculosis was a bane only of the city life, but authentic statistics go to show that even the rural areas are now-a-days not free from the clutches of this dangerous disease. Sir, it is a regrettable fact that Bengal should lag behind some other provinces in the matter of tuberculosis hospitals or sanatoria. Formerly, Bengali patients could get admission into tubercular hospitals at Itki, Almorah and other places but now for reasons I do not propose to enumerate, it has become difficult for them to get accommodation outside Bengal. Our honourable colleague, Dr. K. S. Ray and his noble band of co-workers have rendered splendid service to Bengal by their self-less work in this direction. But they deserve active sympathy and whole-hearted co-operation of all sections of the people in their work. The resources at their disposal are too inadequate to meet their needs and the opening of an "Annexe" at Kurseong has further weakened the financial position of the Hospital. We are grateful to the Government, the Calcutta Corporation and to other public and corporate bodies for their generosity. But considering the magnitude of the work, it is not unreasonable to expect that Government will accept the modest proposal of my friend for this noble cause.

With these words, Sir, I support the resolution.

Mr. KADER BAKSH: Sir, I also whole-heartedly support the resolution moved by my friend Mr. Lalit Chandra Das. As doctors from rural areas will tell you, and I also know it personally, that a large number of patients suffering from this fell disease are dying without any treatment at all—they die untreated and uncared for.

With regard to a particular case from Dinajpur I had occasion to approach Dr. K. S. Ray to get a boy admitted into the Jadavpur Tuberculosis Hospital. Though Dr. Ray tried his best to accommodate him, he could not find any seat at that time and for over eight months thereafter, as there was a long list of patients waiting for

admission. The case about which I speak was a very hard one. The patient was very poor. I must say that Dr. Ray tried his level best to give him a bed in the hospital but, as I have said, he was helpless in the matter as there were numerous persons in the waiting list for admission into the hospital. As a matter of fact, before I approached Dr. Ray several applications had to be rejected for want of accommodation. Now, Sir, the patient of my district had to be sent to a missionary hospital outside the province—and fortunately he is gradually improving. But it certainly does not redound to the credit of this province that our nationals should have to go to other provinces for such treatment. So, it is the sore need of the province to provide for proper treatment of T. B. patients in suitable hospitals. We have got only one such institution at Jadavpur—and we hear of another hospital which is going to be established at Kurseong. I do not know whether it has been opened yet or not. Now, Sir, whatever that may be, I think the demand which has been made by my honourable friend Mr. Das is very modest and there is no reason why Government should not provide for one hundred free beds in that institution where people are being treated free of cost day to day and which is doing yeoman's service to thousands of poor people of the country. With these words, Sir, I support the motion of Mr. Das.

Begum HAMIDA MOMIN: Sir, the resolution just now moved by Mr. Das has my whole-hearted support. This terrible scourge affects women most, both in the mofussil and in the towns, because of their mode of living in seclusion and also for want of proper nourishment. Formerly, this malady was considered incurable and so when a member of a family was unfortunate to be affected by this disease, the patient was considered doomed, and the rest of the family lost heart and gave no thought to the treatment of the patient in a hospital. But thanks to modern science, cases of tuberculosis are being successfully treated. In advanced and virulent cases where cure is not possible, alleviation of suffering is obtained and this is a great achievement in the treatment of this disease. People are now taking to hospital treatment. It is for this reason that hospital treatment is necessary on a much larger scale than we have at present. The existing hospitals both in the towns and in the districts, though most of them have a tuberculosis ward, all of them are not quite properly equipped to meet the requirements for proper treatment of this disease.

It is, of course, gratifying that Government is about to establish a tuberculosis hospital somewhere in the Darjeeling district. But even when this will be in its full working capacity it cannot meet fully the needs of the whole province and particularly that of the poorer classes. It is a great pity that the Itki Tuberculosis Hospital now resolutely refuses to admit any patients from Bengal. We have got a Mental Hospital in Ranchi common both to Bengal and to Bihar. Why should

we not have a joint Tuberculosis Hospital somewhere in the Ranchi district, so that the Bengali patients may benefit by the treatment given there and by the climate as well? I earnestly draw the attention of the Minister in charge of the Medical Department to this matter. The Hon'ble Mr. Tamizuddin Khan who was in this department previously and visited the Itki Hospital will support my suggestion. Even if all these suggestions are accepted by Government it will take time to materialize. Meanwhile, it has become a matter of paramount necessity that free beds should be provided at the Jadavpur Hospital which is a well-equipped hospital and is easily accessible. But unfortunately there is such a great scarcity of free beds that the authorities there have to refuse patients almost every day. The Calcutta Corporation has got 30 free beds reserved there and I think that it is incumbent on the Government that it should provide liberally for free beds and reserve a certain amount according to the needs of this province, for women particularly.

With these words, I support this resolution.

Khan Bahadur ATAUR RAHMAN: Sir, I whole-heartedly support the resolution moved by our friend Mr. Lalit Chandra Das. I had the good fortune of visiting the Jadavpur Tuberculosis Hospital very recently with our colleague Dr. K. S. Ray. Through his generosity, I was shown round the different departments of the hospital, its kitchen and other sections. It is indeed a very nice institution and I was surprised to see that in such a short time they had made so much improvement in the institution. However, it is only a drop in the ocean compared to the vast magnitude of the task it has to cope with. In the city itself one can see that in almost every house there are one or two actual or potential T. B. patients and when they go round to the moffusil, they spread the disease to every nook and corner of the province. So, it is imperatively necessary that the accommodation of the Jadavpur Hospital must be expanded so that more patients may be taken in there. Sir, I was in need of getting two patients from Calcutta admitted there but unfortunately I have not been able to get any seat yet, either in the paying ward or free bed. The Calcutta Corporation has got some free beds reserved for the rate-payers of the Corporation, and I do not see why similar arrangements should not be made by the Government for patients coming from the interior. I would suggest that the Government should allot some money in the supplementary budget, if possible, for providing free beds in this hospital as this should be regarded as a very important item of expenditure. Money which is spent here will be utilized in a most humane cause and we hope that the Cabinet will be able to find funds to comply with this very modest request made by this House.

With these few words, I beg to support the resolution moved by Mr. Lalit Chandra Das.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Sir, I whole-heartedly support the resolution so ably moved by my friend Mr. Lalit Chandra Das.

There is another resolution tabled in my name which is practically of the same nature. The purport of my resolution and that of the present one is the same. The only difference is that I have specifically asked the Government to provide one lakh of rupees for this purpose. I did so, as I was given to understand that one lakh of rupees will be required to provide 100 free beds. In order to do away with the necessity for Government to calculate as to how much money will be required for providing 100 free beds, I mentioned the amount in my resolution. I have consulted my honourable friend Dr. K. S. Ray on this subject and he was of opinion that Rs. 1,000 is necessary for the annual upkeep of each free bed. So, it comes to Rs. 1 lakh for 100 beds.

Now, with regard to the merit of the resolution, there is no difference of opinion between any party—either the non-official members or the Treasury Benches. No one will deny the urgent need for providing some free beds, at least 100, in that hospital. The usefulness of the hospital has been recognised from the highest to the lowest —from Lady Linlithgow down to the humblest poor man. It has been our experience that tuberculosis patients are increasing more and more not in Calcutta alone but also in the rural areas. Formerly, it was our idea that T. B. cases cropped up more in Calcutta owing to the congested city life. Now we find that even in the mofussil T. B. patients are increasing. To meet the demand for their treatment it is highly necessary that this resolution should be accepted and more beds should be provided.

Sir, I understand that Nawab Bahadur of Dacca paid a visit to that institution and he also was of the same opinion that funds should be provided to start more free beds.

With these few words, Sir, I support the resolution.

Mr. NUR AHMED: Sir, I rise to support the resolution wholeheartedly. It is one of the most useful resolutions that has come before the House. Tuberculosis is a disease which is working havoc among the people of Bengal, nay the whole of India. According to the latest reports, more than 2 million men are yearly being attacked with this fatal disease. Sir, it works more havoc among the poor people who cannot get proper nourishment. India has not sufficient number of tuberculosis sanatoria. In the whole of India, there are 7,000 hospitals, which means that, taking the census figures of 1931, there is only one hospital for 50,000 people and one hospital per 160 miles. In whole of India, there were in 1938 only 77 tuberculosis clinics and 39 sanatoria. This Jadavpur Tuberculosis Hospital is a unique thing in Bengal and I think it should be supported at all costs.

Government has got a clear duty towards the victims of this fell disease and should spend more money on this account. But at the same time, I am reminded of a remark which has been published in the report of the Public Health Commissioner with the Government of India to the effect that the remedy for tuberculosis lies not in the treatment but it lies elsewhere. It has been found that this disease is due to malnutrition and under-nourishment and the poor people readily fall a victim to this disease on account of want of proper food and resisting capacity. In his opinion, the expenditure of money on sanatoria and hospitals is largely a waste and if more money has to be spent for treating the patients on hygienic methods, then money should also be spent for the proper feeding of the poor people, lack of which renders them an easy prey to this disease.

With these words, I whole-heartedly support the resolution.

Dr. KASIRUDDIN TALUKDAR: Sir, I whole-heartedly support the resolution of Mr. Lalit Chandra Das. I also gave notice of a resolution suggesting that 50 free and 50 half-free beds should be provided. Sir, from my experience as a mofussil doctor about the tuberculosis menace, I may say that it is more prevalent in the mofussil than in Calcutta. The popular belief is that it is more prevalent in Calcutta than in the rural areas; but, Sir, it is quite the reverse. So far as my experience goes, if tubercular cases are examined very carefully, probably in every five families there will be found one patient suffering from this disease in some form or other. Sir, I have been practising in the mofussil for the last 12 years and my definite experience is that tuberculosis is more prevalent in the mofussil. The contribution of Government towards combating this fell disease is very small. So far as is known to me, at present there are only 10 free beds maintained by Government in this hospital and some 20 beds on the top floor of the Calcutta Medical College Hospital. I know that an attempt is being made to start a sanatorium near about Darjeeling for a long time. Recently, I had been to the Kurseong Sanatorium but I learnt that the contribution of the Government for the upkeep of that sanatorium was negligible. As a matter of fact, the hospital at Jadavpur and the sanatorium at Kurseong are both run by private contributions. So it is high time for Government to help these institutions in order that they may be run with more efficiency and usefulness. With these words, Sir, I support the resolution of Mr. Lalit Chandra Das whole-heartedly.

Rai Sahib JATINDRA MOHAN SEN: Mr. President, Sir, I also beg to associate myself whole-heartedly with the resolution so ably moved by my esteemed friend Mr. Lalit Chandra Das, and supported so eloquently and with so many cogent reasons by my other honourable colleagues in this House. Sir, tuberculosis is more a poor man's disease than a rich man's. Rich men are afflicted by this disease no

doubt; but poor men are more susceptible to it than rich men, and I trust that my colleagues in this House who are doctors will also agree with me on this point, because it is well-known that want of proper food, ventilation, light and nutrition etc., are the main factors that contribute to the growth of this disease in the human constitution. So, it is absolutely necessary that poor men should be given ample facilities for securing treatment in such institutions. One hundred free beds for this institution is a very small demand which this resolution is making. There are 26 districts in Bengal and if only five persons from each district are accommodated, that would require much more than one hundred beds. At present the Government of Bengal is contributing only for 10 free beds for patients from rural areas. I submit, Sir, and I think every one in this House will agree with me, that this provision is quite inadequate. Therefore, I earnestly hope that the Hon'ble Minister who would reply to the debate on this resolution would sympathetically deal with the matter and give his whole-hearted support to this resolution and accept it. It may be that it will require one lakh of rupees every year—and I understand that that is the calculation which has been made by Dr. K. S. Ray—but I submit that one lakh of rupees for a purpose like this is not too much and the Government of Bengal should certainly be able to make this provision for a noble cause like this. I had the honour of being shown round the Jadavpur Institution by my honourable friend Dr. K. S. Ray the other day and I found there splendid equipments, splendid environments, splendid buildings, and everything in a tip-top condition. But I was very pained to find that more than two hundred patients were on the waiting list—waiting for admission. I also found that recommendations from Hon'ble Ministers and honourable members of this House and the other House for admission of particular patients could not be complied with for want of accommodation: also patients recommended by prominent men of different districts were waiting for admission. It is sad to think that in spite of these recommendations more than 200 patients are waiting for want of accommodation. This, Sir, does not speak well of Bengal and the Government which runs it.

Sir, the first and the primary duty of Government is to see that proper facilities for treatment are given to poor patients and more so to those who are afflicted with a fell disease like tuberculosis. It is a most insiduous disease and as my friend Dr. Talukdar has said, every tenth person in this province is afflicted with this disease. So it is absolutely necessary that Government should take steps to control the spread of this disease and see that proper treatment is given to those who are suffering from it. The people of this province are very poor and most of them cannot afford to bear the high cost for staying in the hospital; so they should be provided with free beds. I would make an appeal to generous-hearted persons outside to make it a point of

making substantial contributions, in order to enable the extension of the institution. It is necessary that suitable quarters should be provided for the Superintendent and his staff. The Superintendent now has to make a journey of 12 miles every day to supervise the working of the institution. So, additions to and alterations in the institution are essential. I therefore appeal to the honourable members in this House as well as to persons outside to contribute handsomely for the expansion of this institution. I appeal to them all to come forward to make their contributions so that this institution might become not only an ideal institution but at the same time a most useful institution.

Mr. D. J. COHEN: Sir, I join my friends in supporting this resolution. I feel that if the motion had asked for 500 beds even, then that would not be sufficient for Calcutta alone. It is a pity that, while we have splendid hospitals for other diseases, so far as this disease is concerned, we have very few beds in Calcutta which I think is 16 for men and 8 for women in the Medical College Hospital. Sir, wherever we go we find so many cases of tuberculosis that it is time that Government should tackle this problem very seriously. It is not a matter of only a hundred beds. Government will probably say that they have not got the money. But, Sir, it is a question of life and death and it is for Government to come forward with some proposal, whether it be by loan or something of the kind, to tackle this problem seriously. At the present time it is not being tackled seriously. We hear, Sir, that the Calcutta Corporation has got a certain number of beds there. Yet, it is practically impossible for us to put in any patient whenever people come to us asking for admission there. It is an impossible task because the Health Officer will show you a long waiting list.

Sir, in this view of these circumstances, I trust, Sir, Government will come forward with a proposal that will satisfy the public.

In this connection, I think I should refer to one thing that is not being looked into and that is the chronic cases. We are always asking for free beds to deal with curable cases, but we are not seriously tackling the chronic cases which infect entire families. The amount to be spent in those cases will certainly be much less than the amount that is required for the curable cases. Segregation and open air treatment are all that is necessary. I do hope, Sir, that Government will not only tackle the problem by providing a sufficient number of beds for curable cases but will also take into serious consideration the chronic cases which, unless they are segregated, will certainly increase the number of tuberculosis cases, more than much can be curable in a hospital of this size.

I therefore, Sir, support this resolution.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Sir, this resolution has my whole-hearted support. The Hon'ble Sir Bijoy Prasad Singh Roy just a moment ago said that Government does not contribute towards this fell disease. I think, Sir, it does contribute indirectly by not passing legislation for segregating and arresting the growth of infection and providing quarters where the tubercular patients can live and have treatment. Different speakers have spoken about the necessity of segregation of tubercular patients but no practical suggestion has been made on the floor of the House as to how funds can be raised without adding to the burden of taxation. Now, let us leave aside all religious susceptibilities. Why not we sanction a lottery for raising funds on the lines of the Irish Lottery? Why not? It is a question of humanity. As a matter of fact, if I am not wrong, even in countries where there are religious susceptibilities against lottery, the thing has been introduced. Why not amend the Betting Tax payable in connection with horse-racing and add a tuberculosis cess on the Betting Tax for betting going on in the race-course, so that Dr. K. S. Ray might have some security of sure money coming every year to develop the Jadavpur Hospital? Thirdly, Sir, why not introduce a Tuberculosis Cess Bill and revive dog-racing? I do not mind this. We have the jute cess, the tea cess, the indigo cess and all sorts of cesses for the benefit of a handful of industrialists and investors. Why not levy a special cess like this for the benefit of humanity?

Mr. ABUL QUASEM: Kala-azar cess also.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Yes, kala-azar cess also, if you like; but tuberculosis is much more serious than kala-azar.

I, therefore, appeal with all my strength to Government to either sanction a lottery which will do away with all anxiety of raising money or——

Mr. PRESIDENT: Order, order, that question is not before the House. The subject-matter of the resolution under discussion is the provision of a hundred free beds in the Jadavpur Tuberculosis Hospital.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Sir, I quite agree with my friend Mr. Cohen that even if the request was for provision of 500 beds or 1,000 beds, then also it would not have been too much. Really, it is high time for the Government to see that this very modest demand is fulfilled. Not only that; a legislation for segregation of patients in order to arrest the spread of the infection has also become necessary. In places outside Calcutta we find that

generally 10 or 12 persons live in a room. If any one of them is attacked with tuberculosis, the whole family will be infected gradually. I, therefore, suggest that with the step for providing more free beds, the question of segregation by legislation should also be considered.

Dr. KUMUD SANKAR RAY: Sir, in the first place, I should like to express my gratitude to my honourable friends here who have done me a great honour in stating that I have contributed to a certain extent to the relief of the suffering of the poor tubercular patients. I do not think that I deserve any praise for that. I think I have done my duty towards my own countrymen and towards the suffering humanity.

In the next place, it gives me great pleasure to find to-day after my fight against this disease for the last 25 years that there is so much unanimity in this House—everyone of us is vying with one another to fight out and also to devise means as to how to tackle this disease and how to prevent its spread. It really gives me great pleasure to think that after long years of my patient work—and probably at that time I thought it was a thankless task—all these years' toil and labour had not been in vain. If I have been able to arouse this feeling of sympathy towards the tubercular patients, I think all my labours have been rewarded to the fullest extent. I am satisfied that at least I have got the sympathy of everyone in this House in my endeavour towards the fulfilment of this scheme.

There is hardly very much to say, because most of the speakers have stressed the need for the expansion of the hospital. Mr. Lalit Chandra Das, although he is not a medical man, has stressed and very forcibly stressed all the points. He has told you that if each of the members of this House wants to get a poor patient from his own constituency admitted—and I think each constituency consists of a population of about 20,000 or sometimes 50,000—it will require 310 beds. So, it is not necessary for me to lay stress on the need for providing at least 100 free beds for the rural areas. It needs no argument to develop this point. I leave it at that. He has also said that very few persons can afford to segregate persons affected with this disease with the result that in the long run the patient by living within the family spreads this disease. It is my own experience that even the rich family cannot take proper precaution which is necessary. So, fresh cases crop up in the family not the next day or the next month but in the course of 4 or 5 years. Even the lay public know that tubercular patients should live separately but how many of us can afford the luxury of sparing an entire room for a patient in Calcutta? In the rural areas it is my experience that a single hut is occupied by 4 or 5 inmates of the family.

Sir, it is idle to ask the people "drink more milk, use more butter, live in separate rooms and free quarters" where isolation is not possible.

That is the tragedy behind the situation with which we are confronted, Sir, that is the background which we have to consider. Yet, Sir, while I am making this statement, I am the last person to say that Government has no sympathy in this matter. They are probably as anxious as ourselves but perhaps with their pre-occupations they have not been able to devote that time and energy which the problem demands. That is the real issue. The Hon'ble Finance Minister (who I see is entering the Chamber) in his opening budget speech said quite sympathetically that he would do his best to see the development of the scheme of the hospital fulfilled. We have received assurances from the Leader of the House on previous occasions and also on occasions when he had personally paid visits to the Jadavpur Hospital and also from other Hon'ble Ministers, including the Hon'ble Mr. Tamijuddin Khan, who kindly visited the hospital sometime ago, that they would do their best for the hospital. But, Sir, we cannot get along with sympathy alone. We want justice. Justice for the sake of the poor tubercular victims demands that no further time should be lost in coming to the help of this institution. Sir, there may be many aspects to consider in regard to this development scheme—financial and practical. The resolution requests Government to provide for one hundred free beds. It does not go into details; details are left to the Government to work out. If the House accepts the proposition that a minimum number of 100 free beds should be provided to achieve the development, then it will strengthen the hands of the Hon'ble Minister himself in securing the very object the Government have in view. With this mandate from this House, the Ministry would be in a better position to work out its plans and details, find out the financial solution and make the necessary budget provision—either in the supplementary budget or in the normal course of things. Therefore, if the verdict of the House in support of this resolution be unanimous, then it will strengthen the hands of Government to make the necessary budget provision. I am confident that the verdict of the House will be unanimously in favour of the resolution. Therefore I do not want to waste the time of the House. I trust that the Hon'ble Minister will not take this resolution as a vote against him but only as a desire of the House to strengthen the hands of the Ministry to give effect to a scheme which they themselves want as much as we do.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, such is the spirit of unanimity in this House in support of this resolution that I am almost tempted to say that I whole-heartedly associate myself with this resolution. The honourable speaker who has just spoken knows better than I do that there is already a scheme before Government which is in the process of being worked out. The Surgeon-General with the Government of Bengal recently visited this

institution and he has been trying to work out the details of the scheme. But unfortunately, due to some unavoidable causes, the completion of the scheme has been delayed. Government have made budget provision for the current year for a lakh of rupees for the expansion of the Jadavpur Hospital, so that there has not been mere lip-sympathy from them but they have given expression of their sympathy in a practical manner. Nobody realises more than Government themselves that what they have been doing to tackle this problem is by no means enough and that much still remains to be done. In fact, it may be said that Government have not yet begun to tackle this problem properly. Since the present Government came into power they have been thinking of starting a climatic sanatorium and I am glad to announce that Government have come to a decision about the location of this sanatorium (Mr. SACHINDRA NARAYAN SANYAL: Where?) somewhere in the Darjeeling hills.

Sir, as regards the utility and usefulness of the Jadavpur Tuberculosis Hospital, there could be no two opinions. I may take this opportunity of recording my sincerest appreciation of the most invaluable services that are being rendered by my esteemed friend Dr. K. S. Ray to this institution. Government will do their best to see that the scheme with regard to this institution is made ready without much delay. They fully realise the necessity of providing it with a large number of free beds. But my difficulties in accepting the resolution as it stands—as it is worded, are obvious. I accept the spirit of the resolution. Whether it should be 100 beds or 200 beds and whether it should be a lakh of rupees or a couple of lakhs of rupees or even more, those points should be left to Government and the experts and to gentlemen who are interested in running this institution. So, I beg of the House to have confidence in Government—to trust us—and I give assurance to them in unequivocal terms that Government would see that this scheme materialises soon.

Mr. PRESIDENT: The question before the House is: that this Council is of opinion that Government should take steps for immediate provision of 100 beds in the Jadavpur Tuberculosis Hospital.

(The resolution was agreed to.)

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I beg to move that this Council is of opinion that the maximum pay of all the Provincial Services be reduced to Rs. 500 for all future entrants.

Sir, in moving this resolution I am voicing the opinion of the people of the country as a whole. There may be a microscopic few who may not agree with the resolution, but I can say without fear of any contradiction that the vast majority is with me. Sir, the pay of our

public servants is quite out of proportion to the income of the people. In the flourishing countries of Europe where the average income is 10 to 15 times the average income of a Bengalee, the pay of the public servants is much less than what prevails in Bengal or in India. In Japan the pay of the Prime Minister is only Rs. 500 per month. When comparative figures are quoted, we are told that if the pay be lowered we would not get the right type of men and the public servants will fall prey to allurements: these are the two points advanced; but I shall answer both these points. It is said, Sir, that at Rs. 500 as maximum pay we won't get the right type of people, but may I enquire if we are not getting the same type of people for the Bengal Junior Civil Service at Rs. 350 as maximum? The members of both services, senior and junior branches, are recruited on the result of the same competitive examination. For a difference of a few marks one becomes a member of the senior service and the other a member of the junior service. It is not unoften that the candidate with better academical career gets the junior service posts. The difference is so slight that it is negligible and so the contention that we won't get right sort of men if the pay is lowered cannot hold good.

Then, again, the fact that first class M.A's. have to spend their life in private colleges on Rs. 75 to Rs. 300 at the most should be an eye-opener to us and should convince us that even if the pay be lowered the services will attract the best young men with the brightest University career. In Government service besides the pay there is the allurement of pension, position and power which are wanting in private service. There being no opening for talents in any other sphere, such as, commerce, industries, and trade, there is a regular mania for Government service in this unfortunate country of ours and it is absurd to put forward the proposition that we won't get right type of men if the pay is reduced. Sir, a few of the best talents go to the Imperial Services and they will continue to go. A few of such talents who have special aptitude for the bar and have got high ambition and can afford to wait for years with a bare living go to the bar. But what about the rest? Is there anything more attractive than the Provincial Services even with a reduced pay where they could look to? Private services—whether as professors of private college, or as private medical practitioners or as private engineers of which the prospects are still more gloomy, could not possibly attract them in preference to the Government Provincial Services, even if the maximum pay were reduced to Rs. 300. How many of the members of the Bengal Junior Civil Service have resigned after the post being offered to them, though there are many first-class graduates among them and many of them have by far the better University career than many members of the Senior Service? The bar is over-crowded and most of our young men who come from the great middle class, cannot afford to wait indefinitely

and are not in a position to take the risk of uncertainty. It is absurd therefore to suggest that the right type of men will not be attracted.

Then again, for Provincial Service is it really necessary that we must have the very best talents of the country and the best University men? An Honours Graduate with a strong common sense and a sense of responsibility, who is satisfied with the emoluments fixed for the Service, would be much better than the best University man who is luke-warm and over-conscious of his achievements in the University and does not care to take interest in the ordinary routine work of the Service. Many of the best University men have proved failures in actual Service, because generally they are discontented. Mediocres with a determination to earn promotion by dint of industry and hard work generally do better. I can cite instances but it is hardly necessary. In Bengal, not less than 300 students graduate annually with honours or distinction and only 3 or 4 of them go for the Imperial Services; some 20 of them who have some special advantage or aptitude might prefer the Bar to Service; but the remaining 270 will be available for Provincial Services though, as a matter of fact, we do not require more than 30 or 40 at the most, including the Bengal Junior Civil Service. It is absurd, therefore, to say that we won't get the right type of men if the pay be reduced.

The next point is that reduction of pay will lay the members of the Service open to corruption. The maximum pay of the members of the Bengal Junior Civil Service is only Rs. 350 and the members are recruited from the same type of men as the members of the Bengal Senior Civil Service. But have they been found to be less honest than the members of the Senior Service? Government by adopting the policy of investing a larger number of the junior members of the Service with first-class magisterial powers and putting them in charge of District Treasuries have practically admitted that they can be trusted with responsible works which are done by members of the Senior Service. As many as 64 Sub-Deputy Magistrates have been invested with first-class powers. It appears so from the latest Civil List and that is an indication that the Junior Civil Service has been maintaining its honesty and integrity in spite of its lower pay. If members of the Bengal Junior Civil Service could retain their honesty and integrity even when placed in charge of equally responsible work, why should not the members of the Senior Service be able to retain them even if their maximum pay be 50 per cent. more? Why this artificial distinction between Bengal Senior Civil Service and Bengal Junior Civil Service? If the point be that by lowering the pay of Bengal Senior Civil Service we will be taking the risk of making the Services corrupt, we have no justification for retaining the Bengal Junior Civil Service as a separate Service when we know that even 10 per cent. of the members of such Services cannot aspire to be promoted

to the Senior Service? We should abolish the Bengal Junior Civil Service at once and merge it with the Bengal Senior Civil Service. Will the Government agree to it? They will not. Then why this bogey that by lowering the maximum scale of pay the Service would be open to corruption.

Sir, to my mind honesty has no market value. A man of character will always remain honest under all contingencies even if he has to live on half ration and a dishonest man cannot be made honest by merely increasing his pay—by increasing the pay of such a man we merely increase the market value of his honesty. (Mr. HUMAYUN KABIR: Market value of his dishonesty!) It is impossible to satisfy the greed of a dishonest man. What we should see in fixing the pay of the Services therefore, is what amount should be paid so that the members thereof may meet all their necessary expenses without running into debts. What are the ordinary expenses should again be determined with reference to the requirements of the men of the class from which recruitment is made. Sir, the ordinary expenses of a well-to-do middle-class Bengali family from which members of Provincial Services are generally recruited can be met with Rs. 100 to Rs. 200. Give him another Rs. 25 to Rs. 50 for house rent and conveyance allowance. So Rs. 125 to Rs. 250 should be the standard. If over and above this increment is allowed up to Rs. 500 why should he not be contented and be above corruption? The average income of a Bengali family is only Rs. 150 per year and that of *bhadralog* class including income from profession, etc., cannot be more than Rs. 250 per year and yet men of such class will not be contented even with Rs. 150 to Rs. 500 per month? Woe to the country and the Government which fixes the pay of its Public Services without any regard as to whether it is commensurate with the income of the people whom they are to serve. Are we to look after the comforts of the servants at the cost of the public who are their masters? We speak of foreign exploitation glibly; are we to allow our own people to exploit our country only because they have had the advantage of higher education? This exploitation of Bengal by the Bengalees themselves must be first stopped and then we should think of stopping foreign exploitation.

Sir, as I happened to be a member of Bengal Civil Service, I anticipate questions will be put as to my own salary while in service and I think I should clear up my position. Sir, when I entered the Bengal Junior Civil Service the maximum pay of that service was only Rs. 200. Men like Khan Bahadur Abdul Momin who rose to Commissionership and my friend sitting by my side Khan Bahadur Ataur Rahman also entered service knowing the maximum pay as Rs. 200 or Rs. 250. At that time the promotion to Senior Service was also very restricted and even those who got the promotion could not get beyond Rs. 400 ordinarily. With such prospects, Sir, we entered service, but we

earned promotion by industry and hard work for which the field is open even now. The Provincial Services have now got larger number of posts of Imperial Services thrown open than hitherto. (The Hon'ble Mr. H. S. SUHRAWARDY: If you fix the maximum at Rs. 500 the field is closed.) As a matter of fact the number of listed posts open to the Provincial Service has been increased recently. In our days, there was no recruitment of Indian Civil Service in India. But now the Indian Civil Service posts have been thrown open for men of real merit to enter higher posts in India. The number of listed posts can still be further increased. Officers of proved ability will therefore have the chance of rising up to Rs. 2,000 or so. My resolution refers to average men of the service, why should they be given emoluments not at all commensurate with the income of the people? Sir, resolutions like this have always received opposition from Government, because it affects Government officers and the Government is still carried on the notes of these officials. Self-interest prompts these Government officers to oppose such a resolution. The resolution is so worded that it will not affect the existing officers but only future entrants, yet out of sympathy for future generation there will be opposition. Even members of the Indian Civil Service oppose such proposals because they think it is the thin end of the wedge and if the disparity between the pay of the Provincial Service and of the Indian Civil Service be more marked, it will have a moral effect which may affect the pay of the Indian Civil Service and the pay of the Service may eventually be reduced by the Secretary of State. The popular Ministry should, however, have the courage to rise above such considerations and it is time that they met the popular demand by inaugurating a policy of retrenchment and economy, instead of obstinately clinging to their old policy which has become antiquated and out-of-date and is no longer supported by public opinion in the country.

With these observations, I commend the resolution to the acceptance of the House.

Mr. PRESIDENT: Resolution moved: that this Council is of opinion that the maximum pay of all the Provincial Services be reduced to Rs. 500 for all future entrants.

Mr. NUR AHMED: Mr. President, Sir, I am sorry to say that I cannot whole-heartedly support this resolution. With all respect to my esteemed friend, Khan Bahadur Saiyed Muazzamuddin Hosain, I cannot agree to his resolution. I think, Sir, this is a resolution which is far away from the spirit which moved the Congress to pass a similar resolution at Karachi in 1931, which runs as follows:—"Expenditure and salaries on Civil Departments shall be largely reduced, no servant of the State other than the specially employed expert and the like shall

be paid above a certain figure which should not ordinarily exceed Rs. 500". The Congress resolution leaves loopholes for many services and is carefully worded to meet emergency cases, that is to say, the exceptions are large enough to cover every deserving case. But the learned Khan Bahadur has come up before the House with a resolution which is severely restricted and leaves no loophole or exception. I am glad, however, that he does not want to touch the present incumbents and the present generation will surely appreciate this mercy; but I do not know if it will be fair to the future entrants. Sir, when the British Raj first came to this country, for the sake of their own countrymen they introduced a scale of salaries which though it cannot be justified now, still continues in the administration of their top-heavy administration. They gave high salaries to the public servants in order to secure loyalty to their cause. There are, I think, two most cogent arguments which should be considered in this connection. Most probably one of the reasons which led my friend to move this resolution is that if we compare the income and salaries of the public servants in India with those of other countries, it will be found to be much larger, perhaps 20 to 30 times larger than that prevailing in other countries. What do we find outside India? We find that in Japan the *per capita* income is Rs. 200 while in India it is Rs. 80 per annum only, according to the latest statistics. The Prime Minister of Japan gets a pay of not more than Rs. 600 a month and a Cabinet Minister gets only Rs. 440. There, a Secretary to Government draws a monthly salary of Rs. 375 only.

Whereas Japan's *per capita* income is Rs. 200, that of India is Rs. 80. The Prime Minister of Japan gets a monthly salary of Rs. 622 and other Ministers get Rs. 440. The Secretaries in Japan get Rs. 375 each per month. The Governor of Korea gets Rs. 440 a month. But the Governor of Punjab gets a salary 18 times that of the Korea Governor. Then, Sir, the *per capita* income of the United States of America is Rs. 1,845, 22 times higher than that of India and revenue is 8 times higher. The American President draws a monthly salary of Rs. 17,062, while the Governor-General of India draws a salary of Rs. 21,333. A member of American Cabinet draws Rs. 3,412, while a member of the Viceroy's Executive Council draws Rs. 6,667 a month. The *per capita* income of England is Rs. 1,240 and is 14 times higher than that of India. The English Prime Minister draws now a monthly salary of Rs. 11,111 which is half of what the Governor-General of India draws. Again, Sir, a Cabinet Minister in England draws a salary of Rs. 5,555; while in India a member of the Executive Council draws Rs. 6,667. The Civil Servants of England draw a salary of Rs. 777 on an average, whereas in India the Civil Servants draw much more. In Canada the *per capita* income of a Canadian is Rs. 139—17 times higher than in India. The Prime Minister in Canada draws

a monthly salary of Rs. 3,375 and other Cabinet Ministers draw Rs. 2,250. In South Africa, Sir, the Prime Minister gets a salary of Rs. 3,888 and other Cabinet Ministers get Rs. 2,777 each. In Turkey the highest salary is Rs. 318 a month. The District Magistrate in India draws a month salary of Rs. 1,150 on an average. The total number of officers in Bengal drawing on average Rs. 1,301 is 399. A Civil Servant of the Gradation List in India begins at Rs. 850 including allowance and goes up to Rs. 5,000. These comparative figures tell their own tale and I do not like to disgust the House with more figures. These show in all vividness the high cost of Indian administration. I think these are the considerations which led him to bring forward this resolution before the House.

There is another deplorable aspect of the question revealed in his speech and that is the very low expenditure on nation-building departments because according to the Joint Parliamentary Committee's Report (paragraph 316) the salary of the Public Civil Servants absorbs 40 per cent. of India's income. Sir, in Bengal the total salary comes up to about 6 crores of rupees per year, in other words 50 per cent. of Bengal's public revenue goes to meet the salary bills. But there is not the corresponding increase of expenditure on the nation-building services. Sir, what do we find? We find that in India the expenditure on agriculture is about 2 per cent. Of course, I am quoting the old figure and there might be an increase of late, I mean, after the advent of the Provincial Autonomy there might have been some small increase. And on industry it is 1 per cent. Sir, we may not at present appreciate the mover's ideas; we may pooh-pooh his idea and the people may do so. So I would ask my honourable friend the Khan Bahadur to wait when the future entrants may come up, this question may be considered. It might be considered very seriously at that time. Sir, we know that the Khan Bahadur's proposal is a very good one but there are cogent reasons why we cannot accept it, as it is, at the present time. Sir, there is already discontent among Indian minds about discriminatory salaries. Sir, this resolution will aggravate it. It will make the differences between an I.C.S. and an Indian in other service more acute. The differences will be more acute and a discontented service will not work very well.

Sir, there is another aspect of the question with regard to the salary figures of other countries where the salary offered is comparatively low. Those foreign countries are all independent countries and are not subject nations. They are independent countries and there is the National Government. People there come and take up service to serve their country. But here with all respect, Sir, I think most of them come to serve only for the sake of allurement. The idea in this resolution cannot be given effect to as a whole unless India becomes independent and unless a National Government is established. So I would again

appeal to the honourable mover to wait and see that the time may come when that millennium will be ushered into India. When the country will have attained Dominion Status at that time these things may be possible.

Sir, I fully sympathise with the spirit of the resolution but I cannot support it, as it is.

Mr. HUMAYUN KABIR: Mr. President, Sir, though my honourable friend who has just spoken began and concluded by saying that he could not support the resolution which has been moved by the honourable Khan Bahadur Saiyed Muazzamuddin Hosain, still the whole of his speech was a commentary on the motion of the Khan Bahadur and in fact the speech supported every point which the mover has made. The terrible conditions of poverty in our country and the discrepancy between this depth of poverty and the standard of pay in the services has been very well stressed by my honourable friend who has just spoken. The discrepancy between the pay in our country and that in other countries has also been emphasized by my honourable friend who has just spoken. And yet in spite of these facts, these arguments which go to prove to the hilt the case which has been advanced in the resolution moved this afternoon—in spite of his own arguments he has requested the mover not to press the motion. He says, "Perhaps the country is not yet ready. The future will take care of itself. In future a resolution of this type can be carried because at that time the circumstances will be such as will be favourable to the carrying into effect this kind of resolution". Yet he has himself admitted that people have to formulate theories and advance opinions though at the time of formulation they do not receive the amount of support which they ought to receive. And I agree. For, unless some one raises the cry, unless these points are discussed, unless these things are given publicity in the country, unless public opinion is expressed, there is little likelihood that the scales of pay in the country can be reduced or for the matter of that any other reform can be undertaken.

Therefore, Sir, I am very glad that my honourable friend has moved a resolution of this type. But the resolution, as it is worded, is not as extensive as it should have been and as the mover himself has admitted he liked it to be. I think he ought to have made it wider in its scope. He has made a reference to the Indian Civil Service and said that so far as the I.C.S. men are concerned, the pay will continue to be as it is, and that even though the maximum salary for the Provincial Service is sought to be fixed at Rs. 500, still there will be certain listed posts to which able men may aspire. He also says that abler men may compete in the Indian Civil Service. On both these points, I join issue with him. I do not think first of all that a man in the Indian Civil Service is necessarily abler than a man in the Provincial Service.

I have known intimately men in the Indian Civil Service and men in the Provincial Service—some of them have already distinguished themselves and some of them will perhaps make their mark in time to come. I have always found that Service has little to do with ability. I have had pupils both in the Indian Civil Service and also in the Provincial Service and I also know of cases where a person who has failed in the Bengal Civil Service has done well in the Indian Civil Service and *vice versa*. Sometimes men with a brilliant academic record do not do well in the B. C. S. or I. C. S. Examination, while persons with an inferior record or intelligence do well. On the question of ability I would therefore suggest from my own experience that persons in the I.C.S. cadre are not always superior to persons in the Bengal Civil Service, or even the Bengal Junior Civil Service. Perhaps, Sir, you will agree that an examination is largely a question of luck. In Service examinations, it is more a question of guardians' purse than wards' ability. Children of a poor family are often compelled to sit for lower examination, I mean the Bengal Civil Service and children of a richer family can afford to sit at the higher examination, namely, Indian Civil Service. There is therefore no ground for the fear that there will be dearth of able men if the scales are reduced. The large number of candidates, and some of them are as able as men in the Indian Civil Service, who sit for the Bengal Civil Service and the Bengal Junior Civil Service every year are a standing refutation of any such suggestion. But I would go further still. I would welcome it if some of our able men were diverted from Service as a result of decrease in scale of pay. If that actually happens, then the other branches of public life will be the stronger by the absorption of these intelligent men, as pleaders, as doctors, as engineers and the like. We have no industrial undertakings in this country on a large scale. There are no provisions for military service, ecclesiastical service here in India. In England, these services provide employment to a large number of young men of the so-called *Bhadralog* classes there. Young men here can adopt neither the profession of the army nor of the church. And since there are no large scale industries in this country, a very large number of men have no other option but to go to what may be called the "liberal professions", namely, the profession of medicine or law, or come into one of the Government Services. Therefore, since avenues of employment are limited and since we have a large supply of ability, it is inevitable that a fair proportion of such persons will go to Government Service.

I think what I have said is also borne out by the fact to which reference has been made to-day. There are people who have taken all the examinations, viz., the Indian Civil Service, Examination, the Indian Audit Service Examination, the Indian Police Examination, the Bengal Civil Service and the Bengal Junior Civil Service Examinations

and so on, and yet they have been content to take whichever of the posts came across their way. Therefore, the apprehension that there will be a dearth of men for the Provincial Service if the scale of pay of that Service is reduced, will not bear scrutiny for a moment. Even if the pay-scale of the Service is considerably reduced, these men will be available. I admit that the distinction between the Provincial Service and the Indian Civil Service will be emphasised as a result of the reduction in the maximum pay of the Provincial Service. The exaggeration of the distinction will however be all to the good, for it must lead to a reduction in the pay of the Indian Civil Service itself. I do not think any honourable member of this House will deny that the Indian Civil Service is grossly over-paid. When we consider the extent of poverty in the country and the type of work the Civil Service men have to do and the pay they get for it and also consider the scale of pay and the type of work that people in similar Government Services in other parts of the world have to do, I think it cannot be denied that the Indian Civil Service is grossly over-paid, and that its pay is out of all proportion both to its efficiency as well as to the services which it has rendered to the country. It has become quite usual, though it was perhaps unknown about 20 years ago, to discuss and question now-a-days the efficiency of the Indian Civil Service. People have now begun to doubt the quality of work which the members of this Service are rendering to the country? They are gradually coming to question even its efficiency. And, truly speaking, Sir, if the Civil Service were really an efficient service, why is it that there is so much illiteracy all around and such gross mismanagement in the health services and communication services of the country? Why is it that there has not been a greater development in the different aspects of the national and social services like those rendered by Government in other parts of the world? Doubts about the efficiency of the Service, though not raised so much in the past, have come to stay. I will not say that the members of this Service have been tried and found wanting. I will not go so far as to say that the Service is guilty of inefficiency, selfishness and betrayal of the interests of the people placed in its charge; but I think that every fair-minded person will admit that their competence is being questioned and can be rightly questioned.

Again, the point has been raised in connection with reduction in the pay of the Imperial Services that unless we have a high scale of pay for these Services, Englishmen will not be available. I think this point also will not bear scrutiny when we look at the actual facts of the case. I for one would welcome the cessation of English recruitment for Indian Services; but even assuming that you want Englishmen in these Services, it is well-known that for the last 20 years or so, the best types of Englishman are not coming to these Services. They are refusing to compete and as a result the competitive examination for the

Indian Civil Service has been abolished in England so far as Englishmen are concerned. The best Englishmen do not try for this Service and those who come do so by nomination, because they cannot compete on equal terms with the Indians who sit at these examinations. Those who could compete do not, and those who would like to compete, cannot. This is also borne out by the fact that people of ability in England do not enter the Services but go to industry, to science, to law, to medicine. In this way, they not only push their way to success in England but also in the process do creative work for England and the world. Sir, I have some experience of University conditions in England and Europe. My experience is that it is only second and third class men who usually try for the Indian Civil Service. It is very rarely that a man of first rate abilities tries for the Civil Service in India. The honourable European members of this House will bear me out that in most cases these men go to the generous professions, as I have already said. A minority may enter the Home Civil Service or the Army for a short period but they do it only for giving it up after a time. Therefore, Sir, the fear that there will be a dearth of able Englishmen desirous of entering the Civil Service of India in the event of the scale of pay being reduced is unfounded, for the simple reason that they do not enter these Services even now.

I would, as I have already said, go further than my friend Khan Bahadur Saiyed Muazzamuddin Hosain and say that even if there is dearth of ability, I would welcome it. We are now suffering from dearth of ability in other spheres of our public life. The inordinately high salary of the Services in this province is attractive to many intelligent persons. The professions or the political life of the country cannot offer equal attraction in the present conditions. Sir, many of the difficulties under which we are suffering to-day are due to the fact that some of the best people are being drawn away from the general services of the country by the lure of pay, and are wasting their abilities in order to carry out the very ordinary routine work which can be done by any man of average ability. Men with brilliant prospects either in the academic or the political sphere are thus attracted by the high salaries attached to the Indian Civil Service and the Provincial Services. In many cases, these Government servants only carry out the orders of their superiors and this they have to do in spite of their own independent opinion to the contrary. In time they lose all initiative and settle down to a mere drudgery of red-tapism. By the very nature of the work which they are called upon to do, their abilities slowly dwindle and wither. I know many officers, in the Indian or the Provincial Services, who have probably 10 or 15 years of service at their credit, and they invariably say that they feel cramped and restricted. They do not find scope for their abilities and have no opportunity of showing initiative or originality. Their only task is to carry out orders of their superior officers.

Now, Sir, my reasons for suggesting a reduction in the salary is in the first place that if the salary is reduced, it will be less attractive for men with first rate abilities. A certain proportion of these persons will shift their attention and apply their intelligence and ability to other spheres. This will be definitely to the good of the country and it will enable many capable and intelligent men to work in other spheres of the national life. They would be thrown upon their own resources and would, in helping themselves, also help in the commercial and industrial expansion of the country. It is true we have unemployment in this country, but these are mostly men who have tried to get employment in the Government or private services instead of turning their intelligence to other branches of our economic life. They are persons who try to get employment in Government services and services in commercial firms and elsewhere owing to attractive emoluments, and after they have tried and failed, they become despondent and their morale becomes shattered. They feel defeated in the battle of life and what initiative can we expect from defeated men? If these men abandon the idea of services from the very start of their life, and devote as much energy to industry as they do for securing services in Government and other firms, they would probably achieve success for themselves and prosperity for their country. With freshness, grit and self-confidence, they would certainly help in the expansion of our commerce and industries. Therefore, Sir, one of my grounds for suggesting reduction in salaries is to divert these first rate men from service. If the pay of the Provincial Services is curtailed as suggested by the honourable mover of the resolution, they will be less attractive to the best men of the country. If they do not seek Government service, and try to expand the avenues of economic life, they will, I think, be doing great benefit to the country. These men with higher intelligence and ability will try and find other means for their livelihood and thus will help the country as a whole.

Then, Sir, it may be suggested that reduction of salary will lead to corruption. I do not want to spend much time on this point as this has been dealt with at great length by the honourable mover of the resolution and also by some of the previous speakers. It is true that the danger of corruption is less if sufficient emoluments are given to a person. For example, if you pay Rs. 15 per month to a person in Calcutta, you are indirectly telling him to be corrupt. In Calcutta, you cannot live a decent life on that amount. Every one realises that. And yet, remuneration is not the only point for consideration. After all, very honest and efficient persons can be had for Rs. 100 or Rs. 150. It is also possible to find honest men for Rs. 15 a month. Some of the men who are called menial servants are remarkable for their faithfulness and loyalty. You cannot however demand the same standard of honesty in their case as you would in the case of persons drawing

probably Rs. 1,000 or Rs. 800 a month. Salary by itself is not enough to ensure honesty, but at the same time we must provide a salary that enables an officer to have a decent life, a standard where he can meet his fellows as equals and not feel that he is depriving himself and his children and his family of those amenities which his neighbours are able to give to their families. Once this is secured, I think that the actual amount of salary is not very important. It is true that there is to-day very great heart-burning about the scales of salaries but that is because you have inordinately high scales. When some person is paid, let us say, a thousand rupees, another person naturally feels that he should be paid at least Rs. 800 since he had equal if not better qualifications. The moment you depress scales generally and make the standards lower for everybody, this will remove the causes of jealousy and will make it possible for all of them to live more or less on equal terms. Therefore, Sir, I think that in the fixation of scales for Government Services the two considerations which we should have in mind are: firstly, that we should give them competence; we should remove them above want; we should lift them beyond the actual miseries and other physical and mental deprivation of sheer poverty and, secondly, we should not give them superfluity and we should not in Government Service provide such a scale of salary as would enable them to live in luxury.

My honourable friend the mover referred to the class from which these officers are derived and to the average income of the families from which they come. But I think, Sir, it is even more imperative to think of the class whom they are going to serve. It is not enough to think about the class from which they are derived. This is important, but it is even more important that we should think of the class which they are going to serve. If, with their inordinately high scales of pay, they live a life of luxury, I think, Sir, they remove themselves from the conditions of the people among whom they are to work. They should not be put on a higher plane than the people they are going to serve. This creates in their minds a sense of superiority which prevents them from identifying themselves with the masses. Even if it does not create in their minds a superiority complex, it creates between the Government servants and the public a psychological distance. They can no longer feel the sufferings of the masses as their own sufferings and do not feel their problems as their own. They are not therefore able to give that service to the country and to the people at large, which is the main purpose and the main reason why we have public services at all.

In view of all these factors, I think, Sir, that the resolution is one which has been very timely moved and it is one which should be accepted unanimously by the House.

Rai Sahib JATINDRA MOHAN SEN: I beg to associate myself whole-heartedly with the resolution which has been moved by my honourable friend. Sir, very cogent reasons have been given by the honourable mover himself and Mr. Nur Ahmed and Professor Kabir. So I do not want to dilate upon those points. I only want to place before the House another aspect of the case.

I have my long experience in the mofussil in dealing with high officials, the District Magistrates, the District Judges and the Superintendents of Police who have risen from Provincial Service and the Munsifs and the Deputy Magistrates. My experience is that the higher pay has the effect of entirely estranging themselves from the masses of the people. Now, most of these people are not sufficiently competent, it is the good luck which gave them the competency and the service. But leaving aside the good luck if they were to compete in their struggle for existence with the ordinary intelligent and educated men of any place, they would certainly find themselves in a hopeless condition; they would behave just like a fish out of water. Now when they are placed as a Deputy Magistrate or as a Munsif, they think that they are superior persons and they behave so with the ordinary litigants and with the pleaders whom, they think, to be drawing or earning less than what they are getting, to be all very inferior persons. And, my experience is that they not only become demoralised but also demoralise the society in which they live. That is the social aspect of the thing which all public men should bear in mind.

There is another aspect, Sir, which is like this. You know, Sir, that there is a saying that if you leave a stick in a train which leaves for Goalundo, it will go to Goalundo all the same, unless it is lost—I mean the person who enters the service will automatically reach the top unless he dies. He will automatically find himself going up and up and one day becoming either a District Magistrate or a District Judge or if he is very unfortunate, he will retire as a Subordinate Judge. There is no question of merit. If he can show some amount of work by dismissing cases and by doing all sorts of injustice, his service will be recognised in the Official Record and he will be rewarded. We find that such people after retirement get pensions of Rs. 600, Rs. 700 or Rs. 800; they commute their pensions and get Rs. 50,000 or something like that, build big houses—say at the Lake Road or at any other fashionable quarters and in most cases what their sons do, they attend cinemas, go here and there, squander away the money. But wherefrom this money comes? It is contributed by the public for rendering them service. My submission to this House is that all this money is absolutely lost to the country. They should be given such

an amount for their remuneration as only would keep them from want. It is not necessary that they should be in a position of luxury, because luxury always demoralises a man.

There has been a good deal of discussion with regard to the question as to how much should be the remuneration that will keep them from corruption. My experience is that corruption is not infrequently rampant where the pay or the remuneration is higher or rather high. It is not the pay which determines whether a man is corrupt or not, it is the character which determines whether a man is honest or not. We know, Sir, that there sit from time to time Commissions to enquire into cases of corruption against public servants not only in the Bengal Civil Service but in the Police and other Services. So, in spite of their high pay they are not above corruption. The more you give a man high pay, the more he will be in want. By giving more money you will not be able to change his character. You will find instances of this nature almost in every sphere of service.

Therefore, I beg to submit that I whole-heartedly support the spirit of the resolution, because it seeks to limit the pay of all future entrants to the services.

Khan Bahadur ATAUR RAHMAN: Sir, I had no mind to take part in the debate on this resolution, but I feel constrained to say a few words in view of the remarks which have been made by some of the previous speakers.

I cannot support the resolution as moved by my friend Khan Bahadur Saiyed Muazzamuddin Hosain, because I do not see any reason why a particular service should be picked up for reduction of salary. If he had moved a resolution to the effect that 25 per cent. or 10 per cent. or 15 per cent. of the salary of all Government officials should be reduced, I would have whole-heartedly supported that.

Why should only one service be singled out for reduction of pay? The Provincial Service men have done no harm. Sir, this reminds me of a very nice story. Once upon a time a Hindu and a Mussalman went together for a walk and being caught by the rain they entered into a temple. The Mussalman sat on the head of Lord Shiva, who became very angry and asked the Hindu to remove the Turk. He said, "why you are angry, I have not done anything, Ask the Turk to go away." Lord Shiva said, "I am afraid of him." There is no doubt that the pay of the Government officials in India is high as compared with the income of the people. It ought to be reduced but I cannot agree to the proposition that the pay of one Service only should be picked out for reduction. My friend Mr. Jatindra Mohan Sen said that he found many retired Government Officers squandering

money on building palatial houses and on other things in Calcutta but has he considered and has he looked at the income of men in other spheres of life—for instance of medical men and pleaders? A doctor who used to get four or even two rupees is nowadays asking as much as sixty-four rupees. What is the position, for instance, of a Deputy Collector who comes to Calcutta for the treatment of his children and has got to pay the doctor as much as sixty-four rupees for one call? How can he do so with a pay of rupees one hundred or two hundred only? If a Deputy Collector posted to a subdivision succeeds a member of the Indian Civil Service, who perhaps employed two *malis*, two durwans and others, will also have to take on the commitments of his predecessor in this respect. If you want to reduce the pay of the Provincial Service, then you will have to reduce the salaries of the Indian Civil Service also and for this purpose you will have to petition the Secretary of State for India; otherwise, it is no good asking for a reduction in the pay of the Provincial Service only. My friend Mr. Sen is in a privileged position and therefore can call in question the honesty of Government officers. I, on the contrary, can say without fear of contradiction that all the high officials of Government are honest. Of course, this statement coming from me who was at one time a Government Officer may be taken amiss, but, Sir, I must say that Government Officers on the whole are honest, hardworking and dutiful. Of course, there are black sheep in every sphere of life, but that Government officers holding gazetted rank are generally honest and very deserving. (A VOICE: What about non-gazetted officers? Are they not honest?) I do not say that non-gazetted officers are not honest, but we are here discussing the Provincial Service men, namely, Deputy Collectors, Munsifs, and other gazetted officers, and that is why I mentioned them only. It is true that this service is over-paid but not over-paid under the present economic condition. Make a thorough re-adjustment of the present-day economic condition of the country and then you can reduce their pay. You are increasing taxation all round, you are increasing the prices of stamps, the prices of matches, the prices of medicines, etc., and at the same time you are speaking of reducing the pay of the Provincial Service. If you reduce the pay of one particular Service, that will lead to great discontent in the Service. If, however, the resolution ran to the effect that the pay of all Government officers should be reduced, and that by legislation the fees of doctors and pleaders should also be fixed, then I could understand the meaning. These pleaders are creating a havoc in the mofussil; they are asking for any amount of fees and sometimes as much as Rs. 200 for, otherwise, they say they won't defend you or your son. Mr. Sen is jealous of the small houses the officers build after commuting their pension but he does not see the palaces of the lawyers in Calcutta and in mofussil towns.

Let Government bring forward a legislation that doctors and pleaders shall not receive more than ten rupees a day and that doctors should not receive more than two rupees per call, then we can understand the reason and necessity of reducing the pay of the Government Service men. But as long as for merely prescribing sodi bicarbonate and the commonest drugs, a medical man can command sixty-four rupees, so long I cannot support this proposition about the reduction of the pay of the officers. Therefore, I am sorry I cannot support the resolution, which I consider to be one-sided!

Mr. PRESIDENT: This debate will be continued on the next day for Non-official Business. The Council stands adjourned till 2-15 p.m. on Monday next.

Adjournment.

The Council then adjourned till 2-15 p.m. on Monday, the 1st September, 1941.

Members absent.

The following members were absent from the meeting held on the 29th August 1941:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Rai Bahadur Keshab Chandra Banerjee.
(3) Mr. Shrish Chandra Chakraverti.
(4) Mr. Khorshed Alam Chowdhury.
(5) Mr. Humayun Reza Chowdhury.
(6) Mr. Kamini Kumar Dutta.
(7) Khan Bahadur Alhadj Khwaja Muhammad Esmail.
(8) Mr. Kanai Lal Goswami.
(9) Mr. Mahomed Hossain.
(10) Khan Bahadur M. Abdul Karim.
(11) Maulana Muhammad Akram Khan.
(12) Sir T. Lamb.
(13) Mr. J. McFarlane.
(14) Mr. Naresh Nath Mookerjee.
(15) Dr. Radha Kumud Mookerji.
(16) Mr. Ranajit Pal Chowdhury.
(17) Mr. J. B. Ross.
(18) Mr. B. K. Roy Chowdhury.
(19) Mr. W. F. Scott-Kerr.

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THE BENGAL LEGISLATIVE COUNCIL DEBATES

Second Session—No. 18.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 1st September, 1941, at 2-15 p.m., being the eighteenth day of the Second Session, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

Obituary Reference.

Mr. PRESIDENT: Honourable members of the Council, the Chair has to perform the melancholy duty of conveying to the House the sad news of the death of Maharajadhiraj Sir Bejoy Chand Mahtab Bahadur, G.C.I.E., K.C.S.I., I.O.M., on Friday last at his Burdwan Palace. He was the accredited leader of the landed aristocracy of Bengal and his sudden death has removed a towering personality.

The Maharajadhiraj Bahadur's amiable disposition and courteous manners charmed every one who came in contact with him. To natural graces and accomplishments inherent in a born aristocrat, he added fine culture and breadth of outlook as a result of liberal education and extensive travels. Indeed, it is no exaggeration to say that it was rarely that one would come across a man endowed with such rich qualities of the head and heart.

One remarkable trait in his character which emerged unmistakably above every thing else was the absence of the least trace of communalism. A staunch believer in the need for Hindu-Muslim unity, he had on several occasions initiated movements calculated to promote the same.

He never completely identified himself with any political party but temperamentally he was a Liberal. His detachment from party politics and independence of judgment gave him a unique position in the public life of Bengal and although sometimes his utterances provoked strong comments, nevertheless his sincerity was recognised by all.

The Maharajadhiraj Bahadur has to his credit a long and notable record of public service. He was a member of the Imperial Legislative Council from 1909-1912, a member of the Bengal Legislative Council from 1912-1918, and a member of the Executive Council,

Bengal, from 1918-1924. He was appointed a member of the Taxation Enquiry Committee in 1924-25. He was a delegate from India to the Imperial Conference in London in 1926. He was also intimately connected with various public institutions in Calcutta. He was President of the British Indian Association, the premier organisation of the Landholders in Bengal, till the last day of his life and was for several years a trustee of the Indian Museum and the Victoria Memorial. He served as a member of the Bengal Land Revenue Commission and this constituted perhaps the last of his notable public activities.

The Maharajadhiraj Bahadur was barely sixty years old at the time of his death.

May his soul rest in peace!

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, it is my melancholy duty to associate myself with the observations that you have made. The death of the Maharajadhiraj Bahadur of Burdwan is a great personal loss to myself. His kindness to my family and to me, I shall always remember with gratitude till my last day. Indeed, he was the one man to whom I could look for advice and guidance in my life.

Sir, a Prince among men has passed away. The Maharaja was a prominent landlord, but his idea of landlordism was entirely different. His idea, his conception of the duties and responsibilities of a landlord was that of the feudal lords of old. He always felt that it was the duty of the zemindar to make any sacrifice necessary for the good of the tenantry, to stand by them in their difficulties and to help them in their adversities. That was the idea of the Maharaja. Generous to a fault, he contributed liberally to all noble causes and to all useful institutions in this province. The cause of education, the cause of medical relief owe much to his munificence. A much-travelled person,—the Maharaja had a very wide outlook on life. In fact, narrowness,—whether in social matters or in politics,—could never touch him. He had very firm convictions. Liberal by tendency in politics he never hesitated to act up to his convictions even at the risk of incurring unpopularity at times. Such a man has passed away and, Sir, the void that has been created by the demise of Sir Bejoy Chand Mahtab, I am afraid, is not going to be filled up in the near future.

I sincerely mourn his loss.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Mr. President, Sir, with a very heavy heart I beg to associate myself with what has been said by you and the Hon'ble Leader of the House. Sir, it was a great shock to me to hear of the sudden death of the Maharajadhiraj Bahadur of Burdwan who was not only a patron to me but a guide and a great well-wisher of my family. Reports of the steady

improvement in his health had strengthened the hope in our minds about his speedy recovery. He worked in his office till an hour before his death and the end came all too suddenly. As a matter of fact, the sad news came upon me with bewildering suddenness. Having had the privilege of coming into close contact with him both in public and social life for over three decades and in view of our relationship with the family for generations together, I find my sorrow too deep for utterance.

In the demise of the Maharajadhiraj Bahadur the greatest landmark of the landed aristocracy of Bengal has disappeared. It is difficult to replace an all-round personality like him in the public life of Bengal at this juncture. He was a tower of strength to Bengal as a whole and especially to the landholding class. The death of this distinguished countryman of ours has left a void in the public life of Bengal which can hardly be filled up. Amiable in disposition, genial in temperament, pink of courtesy in personal dealings, he was liked and loved by all who had come in contact with him. His courage of conviction marked him out as a great leader of India.

The Maharajadhiraj Bahadur was a person of many-sided activities. He was a writer of some Bengali and English books and a poet besides. A dignified and impressive personality, he figured in many committees and commissions and left his own impression on every one of them. His last public act was in connection with the Land Revenue Commission, better known as the Floud Commission. The masterly Note of Dissent appended by him to this Report has been admired even by those who did not support the view-point of the landholders. Many other administrative problems of Bengal were also thoroughly studied by him.

Broad in outlook and liberal in views, polite in language and conduct, he made numerous friends and admirers both in this country and abroad. To the land-owning classes, his loss is irreparable as he always stood up for their just rights and privileges.

The Maharajadhiraj Bahadur of Burdwan was a born gentleman and above all meanness and narrowness. He was a far-sighted nationalist and a patriot to the very core. He never played with politics for name and fame like many of us. His massive figure coupled with his commanding voice, never failed to inspire respect amongst his countrymen. His sudden death brings to our mind the words of the late Maharaja of Santosh, "what shadows we are: what shadows we pursue". With me, Sir, it is a grief which does not speak but whispers the over-wraught hearts to break.

I beg to associate myself and my Party with the expression of condolences to the bereaved family in this hour of their greatest affliction and grief.

I have every hope that his worthy heirs, the Maharajkumars will follow in the footsteps of their illustrious father and be worthy successors of that great and good man.

Mr. LALIT CHANDRA DAS: Sir, this side of the House associates itself with every word that has fallen from the lips of yourself and of Sir Bijoy, the Hon'ble Leader of the House. It is a matter of deep regret that such a great personality has passed away at a time when his presence was most needed. He had held liberal views on politics and, Sir, what strikes me now is that even those views, liberal as they were, suffered a very favourable sea-change. I would refer to one instance. He allowed his son to stand as a candidate for the Lower House from the general constituency and he personally went down among the electors appealing for votes. This shows how enlightened and liberal he was and what change was brought about in his ideas about politics by the efflux of time. Sir, we associate ourselves with every word, as I have said, that has been uttered in this House by way of tributes to the Maharajadhiraj and we think that it is a fit occasion when this House should stand adjourned in memory of the great man that is now no more.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Sir, by the death of the Maharajadhiraj Bahadur of Burdwan, Bengal has not only lost a most eminent member of the landed aristocracy but a gentleman who had set an example to his fellow-zemindars for emulation for years to come. Sir, I met him first while I was a student in Manchester in the year 1906. He was then a young man of 25 or 26. On that occasion, during his visit to Manchester, he delivered a speech before the local Indian Association and the members of that Association were amazed to find the masterly grasp of the Indian problems which he displayed. I met him again when he was a member of the old Legislative Council in 1921 and as the result of my association with him for five years, I was immensely impressed by his energy, uprightness and strength of will. I again met him, Sir, in 1929 in London after his retirement from active political life and I was amazed by the change in his outlook and found that he had become a thorough-going democrat without any trace of snobbery. He told me in so many words that the deterioration in the status of the landed aristocracy of Bengal was due to their inertness and many other defects. He said that on his return to India again, he would set his hand to remedying them. He was anxious to lead them and set before them a better example, so that they might take an active interest in the welfare of the country and their tenants. I am sure, Sir, that the life, the active political life he led, and the interest he took in the social and moral upliftment

of the country, will be worth copying by the members of the landed aristocracy for decades to come. He was also a friend of the poor and the oppressed.

Khan Bahadur M. ABDUL KARIM: Sir, I made the acquaintance of the Maharajadhiraj Bahadur for the first time in 1926 when he and I were returned to the Council of State—he as a nominated member and I as an elected member—from Bengal. We used to sit side by side and worked together for about three years or a little more during which I had every opportunity of studying him. It is my considered opinion —an opinion that I have held since then—that he was one of the finest specimens of Bengal's manhood. The news of his death has come to me as a personal affliction, because he was always very very kind to me and when I was taken on the panel of Chairmen of the Council of State, it was the Maharajadhiraj Bahadur who first came up to me and congratulated me for having sustained the good name of Bengal. He had a great love for Bengal and therefore it is with a heavy heart that we have received the sad news of his death. As I have said, the news has come to me as a personal affliction. Sir, on my own behalf and on behalf of the members of my party in this House, we associate ourselves fully with what has fallen from the lips of yourself and the honourable Leader of the House. I would also suggest, Sir, that this House should stand adjourned as a mark of respect to his memory.

Mr. J. B. ROSS: Mr. President, Sir, on behalf of the European Party of this House I desire to associate myself fully with all that has been said in regard to the late Maharajadhiraj Bahadur of Burdwan. His sudden death came as a considerable shock to most of the Europeans of Calcutta who knew him, and he was known to a very large circle of Europeans in this city, particularly to Scotchmen. He had the unique distinction for a Bengalee of having been granted the "freedom" of the City of Edinburgh, the capital of that great country, Scotland, and with that "Freedom" he made it a point of attending the annual gathering of Scotchmen each year—he made it a point of principle to attend this annual meeting—and there he always claimed with sincerity that he considered himself a "brither Scot". I myself, Sir, knew him personally and my remembrance of him will always be sustained by two outstanding features, namely, his great kindliness of character and his largeness of mind. It was a pleasure to talk to him; and if I had any difficulties with which his estate was connected, I always received a kind hearing and very valuable suggestions as to how those difficulties could be overcome. Sir, I associate this Party with everything that has fallen from yourself and from the Hon'ble Leader of the House in regard to the late Maharajadhiraj Bahadur of Burdwan and would say that in his sudden demise Bengal has lost a great son of outstanding character.

Mr. HUMAYUN KABIR: Sir, I should also like to associate myself with everything that has fallen from yourself and the Hon'ble Leader of the House. The honourable member who spoke last pointed out two outstanding characteristics of the late Maharajadhiraj Bahadur. The people of Bengal, irrespective of communities, will feel a deep sense of loss in his sudden and unexpected death. Sir, I had the privilege of knowing him, though it was not a long-standing acquaintance. On the few occasions that I had the privilege of meeting him, I was impressed by his great kindliness of spirit and large responsiveness which he showed in regard to all questions, social and political. It is well-known how political passions divide even people who are otherwise quite normal into separate compartments. By contrast, the Maharajadhiraj's liberality of mind was remarkable.

Sir, I went to Burdwan to preside over a conference which, I think I might describe as being mildly socialistic. This Maharajadhiraj Bahadur came and opened that conference and sat through all the deliberations and after that when I went with him to his palace, he was kind enough to arrange that I should stay with him during my stay at Burdwan. We discussed at very great length the different questions which had been brought up before the conference and I must say I was astonished at the breadth of vision and at the generosity with which he was approaching some of the questions which, probably, in an earlier time he had never faced. He had very great sympathy with the younger generations and with the problems which are facing Bengal to-day. I think these two characteristics, his largeness and kindliness and his resilience of spirit, his width of vision and imagination which enabled him to sympathise with points of views which he did not accept, made him fit for politics in a way which is rare. In his death the country has suffered a grievous loss. He was not only a large-hearted man, he was also a patron of literature being himself a literary man of considerable distinction. I am sure, Sir, that this House will associate whole-heartedly with the resolution which has been moved by the Leader of the House and it is but fitting, Sir, that in his honour the business of the House should stand adjourned.

Mr. KADER BAKSH: Sir, I also fully associate myself with what has fallen from the lips of the Hon'ble Leader of the House.

Sir, I came to know the Maharajadhiraj Bahadur for the first time in 1910 when the Provincial Muslim Educational Conference was held at Burdwan. I was then a student and I went to attend the conference. The kindly treatment that was meted out by him to the delegates of the conference I still remember with gratitude.

Then, Sir, in 1918 or 1919, I came as a delegate to the District Board Conference held at the Government House which was opened by His Excellency the Governor and I again met the Maharajadhiraj

Bahadur who presided over that conference. The ability with which he conducted the proceedings of the Conference, Sir, and the sound advice which he gave us and the manner in which he moved with us, I still remember with great freshness.

Then, again, Sir, in the old Council in 1924, I had occasions to meet him. The impression left on my mind about him is that a stout heart lay within that stalwart figure. He had a very fair conception about the rights and privileges of every community; he was above all communal bias.

Certainly, Sir, his death has removed a very important figure from the social and political field of Bengal. His genial manners, his political vision, his greatness as a noble son of Bengal have been very clearly described by Mr. Ross, Mr. Humayun Kabir and others who spoke before me.

Sir, his death has created a void in the social and political life of Bengal which can hardly be filled up.

With these words, Sir, I associate myself fully with the remarks made by yourself and the Hon'ble Leader of the House.

Khan Bahadur NAZIRUDDIN AHMAD: Mr. President, Sir, it is with a heavy heart that I rise to speak on this occasion. It was only the other day that we mourned the loss of the late Dr. Rabindra Nath Tagore and following quickly upon that we are destined again to mourn the loss of another noble son of Bengal. The qualities of his head and heart are well-known and they have been adverted to by greater personalities than myself in this House; and perhaps, this is not the time when we can assess his moral and intellectual worth or his great contribution towards the uplift and welfare of the country. We are too near that great man to assess him properly at this stage. Time will show the work that he has done for the country and perhaps, a more competent hand will record it in a more permanent form.

Sir, all the honourable members who have spoken to-day, have given their own impressions of the great man as they found him on formal or public occasions, but I have seen him in private and informal moments and it is from that view-point that I would like to say a word or two to-day. It is on these occasions that you see the inner man. He gave to many outsiders and strangers the impression of aloofness, but those who knew him, however slightly, could see that it was his towering personality, his moral and intellectual height that gave this false impression of aloofness. He was the kindliest of men. He was kind to a fault. To his servants he was over-affectionate and he committed many sweet blunders in this direction. Officers and men, found guilty of committing criminal breach of trust, were often hauled up before him. The great man would look at the culprit and would

easily, and perhaps too readily, discover that his pay was too small, that his family was too large and the inevitable increment of pay would follow. He had a deep insight into the crooked ways of the world but he had a large and forgiving heart. He appeared to me to be more kind to the poorer section of the people than to the more fortunate among his fellow-subjects. For the poorer section of his district, without any distinction of caste and creed, he had a specially soft corner in his heart. His charity and generosity knew no bounds. His sympathies also were deep and wide. He knew almost every poor family of his town and especially the dying and decaying families. His sympathies were continued and everlasting.

Sir, the feelings of the man in the street at the funeral procession will show what a tremendous hold the late Maharajadhiraj Bahadur had over the common people. I was, by a pathetic circumstance, connected with the funeral procession. On Saturday last, at about 11 a.m., the newly constructed Burdwan Raj College building, which is named as Herbert House was to be opened by an Hon'ble Minister of the Government of Bengal—the Hon'ble Mr. H. S. Suhrawardy—and the Nalini Ranjan Hostel was to have been opened by Mr. Nalini Ranjan Sarkar. Now, these two gentlemen were to have been present at Burdwan at 11 a.m. and a Guard of Honour was to have been furnished by the Civic Guards of Burdwan with which I am connected. The programme had been worked out in detail and everything was ready for the happy event. But the previous evening the news of the death of Sir Bejoy Chand came with tragic suddenness and spread like wild fire. The programme was scrapped automatically and exactly on the same day and at the same hour, when the Civic Guards should have furnished a Guard of Honour to the distinguished guests, the same Civic Guards followed the funeral procession of the great departed.

To heighten the tragedy there was almost continuous downpour of rain throughout the ceremony. But torrential rain could not, in the least, damp the ardour of thousands and thousands of mourners. The police cordon broke down by the onrush of the people, and the huge procession marched the whole distance to see the last rites performed on the Maharajadhiraj Bahadur's body. The rich and the poor, who had lined the way, specially the women, wept loudly and it was a sight for the gods to see. It was a pathetic sight which I can never forget. The people waited at the Raj burning ghat for three or four hours in torrential rain almost all through. The end of the rites was seen with grief and sorrow and not an eye was dry. Every eye was filled with tears and the gathering returned with heavy steps and heavier hearts. Sir, on an occasion like this, it is impossible for me to speak of the wonderful qualities of this great man without emotion. The Maharajadhiraj Bahadur was not a leader in the

ordinary sense of the word. He was not a factional leader or a sectional leader; he was not a communal leader: but he was, if I may describe him properly, a leader of leaders in Bengal. By his untimely death Bengal has lost a guiding star in these difficult times—times of sectional and communal troubles—and the loss of the Maharajadhiraj Bahadur of Burdwan will be felt more and more as the days pass by. His demise, Sir, is a loss to the country which will never be repaired. I sincerely associate myself with all that has been said about the great departed and I also request that the House should be adjourned to do him honour. Sir, a great heart has stopped its beatings for ever, and a great Soul has left its mortal coils to secure lasting peace and contentment and to enjoy a well-earned rest among the great immortals that have passed away before him. With these words, I beg to associate myself with all that have been said on this occasion.

Maulvi ABUL QUASEM: Sir, I rise to speak a few words on this occasion. I had the honour and privilege of seeing something of the great departed as a member of the Floud Commission. Sir, the one thing that struck me in the late Maharajadhiraj Bahadur was that he knew his subject thoroughly and the Bengal zemindars—this is my personal experience, Sir—could not have a better representative and spokesman of their case on the Floud Commission than the late Maharajadhiraj Bahadur. Another point that I noticed about him was that he was a debater of great strength and skill and distinction. He presented the case of the zemindars in a way which could not probably be better done by anybody else. I, of course, could not agree with him but I was struck by the all-round knowledge, experience and debating skill that he brought to bear upon every problem that we debated in the Commission. Sir, it has been remarked very correctly and truly that he was one of Nature's gentlemen. He had that fine, old-world courtesy which is rarely met with in these days. There was nothing petty about him. His very presence radiated confidence and kindliness. He was a good man and a great man and there is no doubt that Bengal is the poorer to-day on account of his death. I consider it a great privilege, Sir, to be allowed to pay this tribute of respect and admiration to the memory of this great man.

Mr. PRESIDENT: I will now request honourable members to rise in their places as a mark of respect to the memory of the great and illustrious man whose loss we are mourning to-day.

(The honourable members rose in their places.)

Thank you, gentlemen. It will now be my duty to convey to the members of the bereaved family the message of the condolences of the Council in their great affliction.

The Chair accepts the suggestion of the Hon'ble Leader of the House and also of the other honourable members that the House should be adjourned now without transacting any business, and I therefore adjourn the House till 2-15 p.m. to-morrow, Tuesday.

Adjournment.

The Council then adjourned till 2-15 p.m. on Tuesday, the 2nd September, 1941.

Members absent.

The following members were absent from the meeting held on the 1st September, 1941 :—

(1) Mr. Nur Ahmed.
(2) Rai Bahadur Keshab Chandra Banerjee.
(3) Mr. Dhirendra Lal Barua.
(4) Mr. Shrish Chandra Chakraverti.
(5) Mr. Kamini Kumar Dutta.
(6) Khan Bahadur Alhadj Khwaja Muhammad Esmail.
(7) Mr. Kanai Lal Goswami.
(8) Mr. Mohamed Hossain.
(9) Maulana Muhammad Akram Khan.
(10) Sir T. Lamb.
(11) Mr. J. McFarlane.
(12) Mr. Naresh Nath Mookerjee.
(13) Dr. Radha Kumud Mookerjee.
(14) Mr. Ranajit Pal Chowdhury.
(15) Dr. K. S. Ray.
(16) Rai Bahadur Radhica Bhusan Roy.

B. G. Press—1941-42—749?A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

Second Session—No. 19.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 2nd September, 1941, at 2-15 p.m., being the nineteenth day of the Second Session, pursuant to section 62 (2) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Recruitment of clerks in the office of the Commissioner of Excise, Bengal.

102. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN (on behalf of Maulvi Abul Quasem): Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*a*) whether it is the rule to recruit clerks for the office of the Commissioner of Excise, Bengal, from among the candidates who compete at the Bengal Secretariat Clerkship Examination; and

(*b*) whether there is any proposal now to fill up two clerical posts in that office by candidates in whose cases the abovementioned rule will not be enforced?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) Recruitment of clerks in the office of the Commissioner of Excise is governed by Regulation 31 of the Bengal Public Service Commission Regulations read with item (2) of Schedule C and the "Rules for the regulation of recruitment to the clerical services of the Secretariat and certain other offices of the Government of Bengal".

(*b*) The proposal of the Commissioner to appoint two clerks who have officiated continuously since May and June, 1935, respectively in two deputation vacancies which have now become permanent has been referred to the Public Service Commission. One of these clerks sat and qualified at the Clerkship Examination of 1934.

Maulvi ABUL QUASEM: With reference to (*b*), will the Hon'ble Minister be pleased to state if any other candidates will come in for consideration before the Public Service Commission in addition to these two candidates?

The Hon'ble Mr. H. S. SUHRAWARDY: No, probably not. These persons have been acting in vacancies which have now become permanent for the last six years, and their cases have been referred to the Public Service Commission to consider whether these persons who are acting in the temporary vacancies are fit and qualified to be made permanent.

Maulvi ABUL QUASEM: Will the Hon'ble Minister be pleased to state if the department concerned is not in a better position to judge the fitness of these two persons than the Public Service Commission?

The Hon'ble Mr. H. S. SUHRAWARDY: This is a matter of opinion; but that is the procedure now prevailing. Although the department may be in a position to certify their competency, that is tested by the Public Service Commission thereafter.

Maulvi ABUL QUASEM: Will their past records of work be submitted to the Public Service Commission?

The Hon'ble Mr. H. S. SUHRAWARDY: Certainly; their past records will be forwarded to the Public Service Commission. Although I am saying this as a reasonable person like my friend, under the present rules it is within the province of the Public Service Commission to decide and not within the province of Government. But the records of service of these clerks will be submitted to the Public Service Commission.

Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister be pleased to state why the consideration of the appointment of these two clerks particularly of the Excise Commissioner's office was sent to the Public Service Commission when usually it is not within the scope of the Public Service Commission?

The Hon'ble Mr. H. S. SUHRAWARDY: In all such cases the records are forwarded to the Public Service Commission for their opinion as to whether the candidates are fit and qualified to continue in permanent vacancies.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is it always the case that in the case of appointment of clerks in other offices also the Public Service Commission is consulted?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, Sir, in other offices also where the appointment is made by Government and which is governed by those Rules and Regulations which are referred to in paragraph (*a*).

Khan Bahadur ATAUR RAHMAN: Are these appointments of clerks in the Excise Commissioner's office made by Government or by the Commissioner of Excise?

The Hon'ble Mr. H. S. SUHRAWARDY: Are supposed to be made by Government in the last resort. May I add to it, Sir? I am not certain about the last answer. It is the "rules for the regulation of recruitment to the clerical services of the Secretariat**" which are applicable in this case even though the Commissioner of Excise may make the appointments in the first instance.

Khan Bahadur ATAUR RAHMAN: Are the appointments of clerks here subject to the sanction of Government, or, are they entirely in the hands of the Commissioner?

The Hon'ble Mr. H. S. SUHRAWARDY: I understand, Sir, that when a temporary appointment is turned into a permanent appointment then the Government steps in.

Mr. HUMAYUN KABIR: Does the Public Service Commission make a decision on the results of any examination conducted by it or on the papers which are forwarded to it at the time of reference?

The Hon'ble Mr. H. S. SUHRAWARDY: That is the discretion of the Public Service Commission.

Mr. HUMAYUN KABIR: But what is the usual procedure in the case of clerks of this type, I mean, of appointments of this type?

The Hon'ble Mr. H. S. SUHRAWARDY: I am sorry I have not attended any examination of the Public Service Commission up to now.

Mr. HUMAYUN KABIR: Well, that is not the answer.

Release of Sj. Jitendra Nath Chakraborty.

40. Mr. NARESH NATH MOOKERJEE (on behalf of Mr. Lalit Chandra Das): (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether Sj. Jitendra Nath Chakraborty of the Inter-Provincial Conspiracy Case was due for release from prison on the 24th May, 1941? If so, was he released on that date?

(*b*) Is it a fact that the said prisoner was retaken as a security prisoner and detained in Hijli Jail before he could get the benefit of release?

(*c*) Are the Government aware that the re-arrest of the said Sj. Jitendra Nath Chakraborty has brought a severe strain on the health of his parents who were anxiously expecting him home?

(*d*) Have the Government received any petition on his account from Sj. Anath Bandhu Chakraborty of post office and village Katarapara, police-station Doudkandi, district Tippera, who is the father of the said prisoner?

(*e*) If the answer to paragraph (*d*) be in the affirmative, will the Hon'ble Minister be pleased to state whether Anath Babu has undertaken in that petition to remain responsible for the good conduct of the said Sj. Jitendra Nath Chakraborty?

(*f*) Do the Government propose to release Sj. Jitendra Nath Chakraborty now? If not, will the Hon'ble Minister be pleased to state reasons therefor?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) and (*b*) Yes.

(*c*) No, but the prisoner has represented that his mother was much disappointed and distressed thereby.

(*d*) No.

(*e*) Does not arise.

(*f*) No. His continued detention is expedient as a security measure.

Khaksar movement.

68. Mr. NARESH NATH MOOKERJEE (on behalf of Mr. Lalit Chandra Das): (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether previously in reply to questions in this House, the Government defended the Khaksars of Bengal as being loyal to the Government or as people who would not go against Law and Order?

(*b*) Was it on its own motion or being directed by the Government of India that the Government of Bengal has now declared the Khaksars as illegal bodies?

(*c*) Will the Government be pleased to state (*i*) how many Khaksars there are in Dacca, and (*ii*) how many in Calcutta? What is their total strength in the whole Province? And what is the name of their leader?

(*d*) Has there been any arrest of any Khaksar in Bengal? If so, how many? If not, will the Hon'ble Minister be pleased to state reasons for not taking any action in that direction?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) The honourable member is referred to the answers to questions Nos. 2 and 26 delivered in this House on the 26th and 31st July, 1940, respectively, with answers to supplementary questions relating to question No. 2.

(*b*) At the instance of the Government of India.

(*c*) The honourable member is again referred to the answers to clauses (*c*) and (*e*) of question No. 26 mentioned in (*a*) above. The present total strength is not known.

(*d*) No arrest has been made. Since the ban was put upon the organisation, its members have not been active and have done nothing to render themselves liable to arrest.

The Bengal Criminal Law (Industrial Areas) Amendment Bill, 1941.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I apologise to the House for not being able to submit the report of the Select Committee on this Bill on the appointed date? I shall be obliged if the House will grant me leave till the 15th of September.

Mr. PRESIDENT: The question before the House is: that the time be extended for submission of the Report of the Select Committee on the Bengal Criminal Law (Industrial Areas) Amendment, Bill, 1941, till the 15th September.

(The motion was agreed to.)

The Calcutta and Suburban Police (Amendment) Bill, 1941.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to propose that the Calcutta and Suburban Police (Amendment) Bill, 1941, be taken into consideration.

Sir, as far as this Bill is concerned, it deals with a very minor amendment. The position has been made clear in the Statement of Objects and Reasons. The facts briefly are that the seamen in Calcutta are lodged in boarding houses which are usually called *lathi* houses and the conditions in these houses are very bad. We tried to improve these conditions and prosecuted some of the proprietors but the prosecution failed, because according to the Calcutta and Suburban Police (Amendment) Bill licence is only necessary in those cases where food is provided and if the food is not provided no licence is necessary. So

unless and until you have the right to impose a licence on a boarding house, you cannot control it. Therefore we have had to bring in an amendment, Sir, which will enable Government to force all boarding houses to take up licences whether the food is provided or not, and we hope that if we once get power to grant licence then we will be able to exercise some control and improve the conditions of the lot of these lodgers in these boarding houses. Perhaps members of this House are aware that these people reside in those houses and whenever they get any money the proprietors of these boarding houses practically snatch away most of their money in various ways, and the conditions under which they have to live are, it will be no exaggeration to say, abominable. The Commissioner of the Police is very anxious that this amendment should be carried out so that he may be able to improve the lot of the seamen. I therefore hope the honourable members will agree with my motion.

Mr. PRESIDENT: Motion moved: that the Calcutta and Suburban Police (Amendment) Bill, 1941, be taken into consideration.

The question before the House is: that the Calcutta and Suburban Police (Amendment) Bill, 1941, be taken into consideration.

(The motion was agreed to.)

Clauses 1, 2 and 3.

Mr. PRESIDENT: The question before the House is: that clauses 1, 2 and 3 stand part of the Bill.

(The motion was agreed to.)

Mr. PRESIDENT: The question before the House is: that the Title and the Preamble be added to the Bill.

(The motion was agreed to.)

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that the Calcutta and Suburban Police (Amendment) Bill, 1941, as settled in the Council, be passed.

Mr. PRESIDENT: Motion moved: that the Calcutta and Suburban Police (Amendment) Bill, 1941, as settled in the Council, be passed.

The question before the House is: that the Calcutta and Suburban Police (Amendment) Bill, 1941, as settled in the Council, be passed.

(The motion was agreed to.)

Maulvi ABUL QUASEM: Sir, as a practising lawyer in the Alipore Court, I have some personal knowledge of these *lathis*. Those people who go to take advantage to live in those houses owned by these proprietors, go there intentionally. They are not bound——

Mr. PRESIDENT: Order, order. That Bill has already been passed! The House will now take up consideration of the St. Thomas' School (Amendment) Bill, 1941.

The St. Thomas' School (Amendment) Bill, 1941.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the St. Thomas' School (Amendment) Bill, 1941, be taken into consideration.

Mr. PRESIDENT: Motion moved: that the St. Thomas' School (Amendment) Bill, 1941, be taken into consideration.

The question before the House is: that the St. Thomas' School (Amendment) Bill, 1941, be taken into consideration.

(The motion was agreed to.)

Mr. NARESH NATH MOOKERJEE: Let us hear something from the Government on this Bill.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, it is a very simple measure. The only object of this amending Bill is to make provision for the addition of two members in the Governing Body of the St. Thomas' School. The addition of two members has become necessary because——

Mr. PRESIDENT: Order, order.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am sorry, Sir, I am late, but as my friend was eager to hear something from Government on this Bill, I was going to make a statement——

Mr. PRESIDENT: You cannot do that at this stage. The Council stands adjourned till 2-15 p.m. to-morrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Wednesday, the 3rd September, 1941.

Members absent.

The following members were absent from the meeting held on the 2nd September, 1941:—

(1) Rai Bahadur Keshab Chandra Banerjee.
(2) Mr. Shrish Chandra Chakraverti.
(3) Mr. Hamidul Huq Chowdhury.
(4) Mr. Lalit Chandra Das.
(5) Mr. Narendra Chandra Datta.
(6) Mrs. K. D'Rozario.
(7) Mr. Kamini Kumar Dutta.
(8) Khan Bahadur Alhadj Khwaja Muhammad Esmail.
(9) Mr. R. W. N. Ferguson.
(10) Mr. Kanai Lal Goswami.
(11) Mr. Mohamed Hossain.
(12) Khan Bahadur Syed Muhammad Ghaziul Huq.
(13) Maulana Muhammad Akram Khan.
(14) Mr. W. B. G. Laidlaw.
(15) Sir T. Lamb.
(16) Mr. J. McFarlane.
(17) Dr. Radha Kumud Mookherji.
(18) Mr. Ranajit Pal Chowdhury.
(19) Dr. K. S. Roy.
(20) Mr. J. B. Ross.
(21) Mr. Sachindra Narayan Sanyal.

B. G. Press—1941-42—7493A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

Second Session—No. 20.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 3rd September, 1941, at 2-15 p.m., being the twentieth day of the Second Session, pursuant to section 62 (2) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Khaksar movement.

68. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether previously in reply to questions in this House, the Government defended the Khaksars of Bengal as being loyal to the Government or as people who would not go against Law and Order?

(*b*) Was it on its own motion or being directed by the Government of India that the Government of Bengal has now declared the Khaksars as illegal bodies?

(*c*) Will the Government be pleased to state (*i*) how many Khaksars there are in Dacca, and (*ii*) how many in Calcutta? What is their total strength in the whole Province? And what is the name of their leader?

(*d*) Has there been any arrest of any Khaksar in Bengal? If so, how many? If not, will the Hon'ble Minister be pleased to state reasons for not taking any action in that direction?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) The honourable member is referred to the answers to questions Nos. 2 and 26 given in this House on the 26th and 31st July, 1940, respectively, as well as to the answers to supplementary questions arising in connection with question No. 2.

(*b*) At the instance of the Government of India.

(*c*) The honourable member is again referred to the answers to paragraphs (*c*) and (*e*) of question No. 26 mentioned in (*a*) above. The present total strength is not known.

(*d*) No arrest has been made. Since the ban was put upon the organisation, its members have not been active and have done nothing to render themselves liable to arrest.

Arrest of Mr. Kailash Chandra Sarkar of Madaripur.

71. Mr. ALTAF ALI (on behalf of Mr. Humayun Kabir): Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) if it is a fact that Mr. Kailash Chandra Sarkar, Mukhtear of Madaripur, has been arrested under the Defence of India Rules;

(*b*) what is the offence he is alleged to have committed;

(*c*) when was he arrested; and

(*d*) if he has been refused bail?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) An offence under rule 56 (*4*) of the Defence of India Rules.

(*c*) 1st April, 1941.

(*d*) An application for bail was refused by the Subdivisional Officer but was allowed by the Sessions Judge.

Khaksar Association.

72. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) will the Hon'ble Minister in charge of the Home Department be pleased to state whether Government of Bengal was consulted in connection with the declaration of Khaksar Association as an unlawful association?

(*b*) If so, will the Hon'ble Minister kindly inform the House the gist of Government's report about the Khaksar movement in Bengal?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) No.

(*b*) Does not arise.

Assent to Bill.

Mr. PRESIDENT: I am to inform the honourable members that the following Bill which was passed by both Chambers of the Legislature has been assented to by His Excellency the Governor under section 75 of the Government of India Act, 1935, namely, the Eastern Frontier Rifles Bengal Battalion (Amendment) Bill, 1941.

St. Thomas' School (Amendment) Bill, 1941 (as passed by the Assembly).

Clauses 1, 2 and 3.

Mr. PRESIDENT: Clauses 1, 2 and 3 stand part of the Bill.

The question before the House is: that clauses 1, 2 and 3 stand part of the Bill.

(The motion was agreed to.)

The question is: that the Title and the Preamble be added to the Bill.

(The question was agreed to.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the St. Thomas' School (Amendment) Bill, 1941, as settled in the Council, be passed.

Mr. PRESIDENT: Motion moved: that the St. Thomas' School (Amendment) Bill, 1941, as settled in the Council, be passed.

The question before the House is: that the St. Thomas' School (Amendment) Bill, 1941, as settled in the Council, be passed.

(The motion was agreed to.)

The Bengal Markets Regulation Bill, 1941 (as passed by the Assembly).

The Hon'ble Mr. TAMIZUDDIN KHAN: I beg to move that the Bengal Markets Regulation Bill, 1941, as passed by the Assembly, be taken into consideration.

Mr. PRESIDENT: Motion moved: that the Bengal Markets Regulation Bill, 1941, as passed by the Assembly, be taken into consideration.

Mr. MESBAHUDDIN AHMED: I beg to move that the Bengal Markets Regulation Bill, 1941 (as passed by the Assembly), be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. Tamizuddin Khan, Minister in charge of the Agriculture and Industries Department,
(2) Khan Bahadur Saiyed Muazzamuddin Hosain,
(3) Khan Bahadur Naziruddin Ahmad,
(4) Mr. Kader Baksh,
(5) Mr. Nur Ahmed,
(6) Sir Thomas Lamb,
(7) Mr. Sachindra Narayan Sanyal,
(8) Rai Sahib Jatindra Mohan Sen,
(9) Mr. Lalit Chandra Das,
(10) Mr. Humayun Kabir, and
(11) the mover,

with instruction to submit their report by the 30th November, 1941, and that the number of members whose presence shall be necessary to constitute a quorum shall be three.

Mr. PRESIDENT: Motion moved: that the Bengal Markets Regulation Bill, 1941 (as passed by the Assembly), be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. Tamizuddin Khan, Minister in charge of the Agriculture and Industries Department,
(2) Khan Bahadur Saiyed Muazzamuddin Hosain,
(3) Khan Bahadur Naziruddin Ahmad,
(4) Mr. Kader Baksh,
(5) Mr. Nur Ahmed,
(6) Sir Thomas Lamb,
(7) Mr. Sachindra Narayan Sanyal,
(8) Rai Sahib Jatindra Mohan Sen,
(9) Mr. Lalit Chandra Das,
(10) Mr. Humayun Kabir, and
(11) the mover,

with instruction to submit their report by the 30th November, 1941, and that the number of members whose presence shall be necessary to constitute a quorum shall be three.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, may I make one request regarding the submission of the Select Committee report? The date for submission of the report has been given as 30th November, 1941. May I suggest that the date be changed to 15th November?

Mr. PRESIDENT: Is there any objection to the date being changed?

(There was no objection.)

Mr. PRESIDENT: The question before the House is: that the Bengal Markets Regulation Bill, 1941 (as passed by the Assembly), be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. Tamizuddin Khan, Minister in charge of the Agriculture and Industries Department,

(2) Khan Bahadur Saiyed Muazzamuddin Hosain,

(3) Khan Bahadur Naziruddin Ahmad,

(4) Mr. Kader Baksh,

(5) Mr. Nur Ahmed,

(6) Sir Thomas Lamb,

(7) Mr. Sachindra Narayan Sanyal,

(8) Rai Sahib Jatindra Mohan Sen,

(9) Mr. Lalit Chandra Das,

(10) Mr. Humayun Kabir, and

(11) the mover,

with instruction to submit their report by the 15th November, 1941, and that the number of members whose presence shall be necessary to constitute a quorum shall be three.

(The motion was agreed to.)

The House stands adjourned till 2-15 p.m., to-morrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Thursday, the 4th September, 1941.

Members absent.

The following members were absent from the meeting held on the 3rd September, 1941:—

(1) Rai Bahadur Keshab Chandra Banerjee.
(2) Mr. Shrish Chandra Chakraverti.
(3) Mr. Lalit Chandra Das.
(4) Mr. Narendra Chandra Datta.
(5) Mr. Kamini Kumar Dutta.
(6) Khan Bahadur Alhadj Khwaja Muhammad Esmail.
(7) Mr. Kanai Lal Goswami.
(8) Mr. Mohamed Hossain.
(9) Khan Bahadur Syed Muhammad Ghaziul Huq.
(10) Alhadj Khan Bahadur Shaikh Muhammad Jan.
(11) Mr. Humayun Kabir.
(12) Maulana Muhammad Akram Khan.
(13) Mr. W. B. G. Laidlaw.
(14) Sir. T. Lamb.
(15) Mr. Naresh Nath Mookerjee.
(16) Dr. Radha Kumud Mookerji.
(17) Mr. Ranajit Pal Chowdhury.
(18) Dr. Kumud Sankar Ray.
(19) Mr. Sachindra Narayan Sanyal.

B. G. Press—1941-42—7494A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

Second Session—No. 21.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 4th September, 1941, at 2-15 p.m., being the twenty-first day of the Second Session, pursuant to section 62(2)(1) of the Government of India Act, 1935.

Mr. President (the Hon'ble MR. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Test relief work in Faridpur.

74. Mr. HUMAYUN KABIR: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) the amount of test relief sanctioned for the different subdivisions of Faridpur in the years 1940-41 and 1941-42;

(*b*) whether the amounts sanctioned have been all disbursed;

(*c*) whether the test relief money was distributed through the Union Boards; if not, why not; and

(*d*) if he proposes to take steps to have the works done with the test relief money inspected by the Subdivisional Officers of the respective subdivisions?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) The amounts are stated below:—

Subdivision.	Amount.	
	1940-41.	1941-42.
	Rs.	Rs.
Sadar	4,500	45,500
Goalundo	3,500	46,500
Madaripur	2,000	48,000
Gopalganj	....	25,000
	10,000	1,65,000

(*b*) No. Out of the total amount of Rs.1,75,000 advanced to District Board for test relief in 1940-41, and up to 19th August, 1941, in the current year, Rs.88,774 has been disbursed up to 19th August, 1941, as detailed below:—

Subdivision.	Amount. Rs. a. p.
Sadar	34,141 10 9
Goalundo	21,778 3 6
Madaripur	28,313 7 3
Gopalganj	4,240 12 9

The test relief work is still continuing.

(*c*) No. Subject to the control and supervision of the District Officer, the District Board was free to select agencies through whom the test relief works should be conducted. The agencies were selected by the District Board in consultation with District Engineer and Subdivisional Officers.

(*d*) The Subdivisional Officers and other Gazetted Officers have been checking the work all along.

Mr. HUMAYUN KABIR: Arising out of (*c*), will the Hon'ble Minister be pleased to state what was the principle in the selection of such persons, if any?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The principle followed by the District Board? I think they select such influential persons in each locality who can be trusted and who can carry out the work.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state the reasons why the test relief money was not distributed through the Union Boards. It is in fact in the question but has not been answered.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, as I said, the agencies for test relief works are selected by the District Board and it is for the District Board to answer why the District Board did not select Presidents of Union Boards for the purpose.

Mr. HUMAYUN KABIR: Are we to understand that the Government did not exercise any control in the selection of these agencies?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the agency of Government is the District Board and what the sub-agency should be is left to the District Board.

Khan Bahadur ATAUR RAHMAN: Arising out of (*b*), Rs. 1,75,000 was advanced to the District Board in 1940-41 but up to August, 1941—that means up to the middle of 1941-42—only Rs. 88,474 has been spent. Was the amount advanced ahead? How is that?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I will ask the honourable member to read the answer correctly. It is: "Out of the total amount of Rs. 1,75,000 advanced to District Board for test relief in 1940-41, and up to 19th August, 1941, in the current year, Rs. 88,474 has been disbursed up to 19th August, 1941, etc.".

Khan Bahadur ATAUR RAHMAN: Then, there are still nearly Rs. 80,000 in the hands of the District Board?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Less than Rs. 80,000 I think, because the work is still continuing.

Khan Bahadur ATAUR RAHMAN: May we know what work is being done during this rainy season?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: In answer to (*c*) it has been said that the agencies were selected by the District Board in consultation with District Engineer and Subdivisional Officers. Are we to understand that the Chairman of the District Board is meant by the words "District Board"?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The District Board is a corporate body. When I say District Board, I mean the District Board as a whole.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister kindly state what amount was sanctioned for 1940-41?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Mr. HUMAYUN KABIR: Has any representation been made by any of these officers about the type of work which is being done?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: To which officer is the honourable member referring?

Mr. HUMAYUN KABIR: Arising out of (*d*) "The Subdivisional Officers and other Gazetted Officers have been checking the work all

along." Have the Government received any report of the result of their checking?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir. Government have been receiving reports from time to time.

Mr. HUMAYUN KABIR: Have these reports been all along satisfactory?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: There is no complaint up till now.

Appointments in the lower division clerical establishment of the High Court.

75. Rai Bahadur MANMATHA NATH BOSE: Will the Hon'ble Minister in charge of the Judicial Department be pleased to state—

(*a*) if it is a fact that in filling up vacancies in the lower division clerical establishment of the Hon'ble High Court the following rules are observed—

(*i*) the candidates must pass the I.A. Examination,

(*ii*) they must pass shorthand and typewriting test at a speed of 120 and 30 words per minute respectively held by the Hon'ble High Court, and

(*iii*) they must pass in General subject; e.g., essay writing, arithmetic, etc.;

(*b*) if so, why the clerks of the Civil Courts, subordinate to the High Court possessing the qualifications as mentioned in parts (*a*) (*i*) and (*ii*) are not recruited to the High Court when they entered the Civil Courts after duly passing in General subjects at a competitive test examination under Civil Rules and Orders of the High Court;

(*c*) whether the Government propose to give them the first chance by direct recruitment to the High Court from the Civil Courts, instead of absorbing them in future vacancies in the Civil Courts; and

(*d*) if not, what is the reason for ignoring the claims of the qualified clerks who are working in the Civil Courts since the introduction of the new Civil Rules and Orders of the High Court in 1935?

MINISTER in charge of the JUDICIAL DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) The following information is supplied by the courtesy of the High Court:—

(*i*) The minimum academical qualification insisted upon by the Court is the passing of Intermediate Examination or an examination equivalent thereto of a University.

(*ii*) No such condition has been laid down by the Court.

(*iii*) Recruitment to the lower division grade of the High Court is now made through the Public Service Commission, Bengal, and candidates are to qualify in subjects prescribed by the Commission.

(*b*) Standard of qualification for recruitment to the clerical establishment of the High Court and that of the Civil Courts are not the same.

(*c*) Appointments to the clerical establishment of the High Court rest with the Hon'ble the Chief Justice. In view of what has been stated in (*b*) above, Government are unable to recommend the proposal for the consideration of the Hon'ble Court.

(*d*) Does not arise.

Handloom industry.

76. Khan Bahadur REZZAQUL HAIDER CHOWDHURY: Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*a*) the amount received in the last three years by the Bengal Government from the Central Government for development of handloom industry;

(*b*) the amount spent in each district within the last three years, year by year;

(*c*) whether the Government has any scheme for spending this grant; if so, whether the Government will place the same on the Table; and

(*d*) how the amount allotted to Noakhali district was spent in the last three years, year by year?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*)—

		Rs.
1938-39	... ...	96,000
1939-40	... ...	99,363
1940-41	... ...	98,652

(*b*) and (*d*) The money was not spent on the basis of districts.

(*c*) A statement is placed on the Table.

Statement referred to in reply to question No. 76, showing the schemes for spending the Government of India grant for the development of handloom industry in Bengal.

(1) Maintenance of an Industrial Assistant Registrar and his office establishment for the organisation and supervision of Co-operative Industrial Unions and schemes for the development of handloom industry.

(2) Maintenance of Weaving Experts and Supervisors for the following Co-operative Industrial Unions:—

(*a*) Alamdanga Co-operative Industrial Union Limited.

(*b*) Bankura District Co-operative Industrial Union Limited.

(*c*) Bagerhat Co-operative Weaving Union Limited.

(*d*) Gopaldi Co-operative Industrial Union Limited.

(*e*) Naogaon Co-operative Industrial Union Limited.

(*f*) Chowmohani Co-operative Industrial Union Limited.

(*g*) Chittagong Supervising Co-operative Industrial Union Limited.

(*h*) Mobaraknagar Co-operative Industrial Union Limited, Post Office Nalta (Khulna).

(*i*) Dhanikhola Milan Samaj Co-operative Silpa Sangha Limited.

(3) Grants-in-aid to the following Weaving Unions and Societies for the maintenance of expert staff, purchase of improved appliances, yarns, dye-stuffs, etc., payment of wages to weavers and subsidy for marketing:—

(*a*) Tamluk Co-operative Industrial Union Limited.

(*b*) Midnapur Co-operative Industrial Society Limited.

(*c*) Mymensingh Co-operative Weavers' Society Limited.

(4) Maintenance of expert staff for the Bengal Provincial Co-operative Industrial Society Limited, and grant-in-aid to meet the Society's cost of establishment and propaganda to improve the quality of handloom products in order to secure larger sales thereof.

(5) Grant-in-aid to meet the cost of establishment of the Dum Dum Women's Co-operative Industrial Home Limited to train needy women in the art of weaving in order to provide them with means of livelihood.

(6) Grant-in-aid to meet the cost of expert staff and establishment of the Bengal Home Industries Association in order to improve the quality and design and secure sale of the handloom products of Co-operative Industrial Unions and Societies.

(7) Researches at the Bengal Textile Institute, Serampore.

(8) Demonstration Parties to introduce new designs and methods evolved by the Research Section.

(9) Grand of aid to deserving institutions.

Khan Bahadur REZZAQUL HAIDER CHOWDHURY: Will the Hon'ble Minister please state what is the principle followed in distributing money?

The Hon'ble Mr. TAMIZUDDIN KHAN: The money was spent on the basis of the existing weavers' societies generally.

Khan Bahadur REZZAQUL HAIDER CHOWDHURY: Will the Hon'ble Minister kindly state the amount spent in Noakhali district for the last two years?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I have already stated that the money is not spent on the basis of districts, but there are certain organizations in the district of Noakhali which have received money. In that way money is spent.

Khan Bahadur REZZAQUL HAIDER CHOWDHURY: What is the amount spent in Noakhali in the year 1940-41?

The Hon'ble Mr. TAMIZUDDIN KHAN: Rs. 2,401.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister kindly state what amount of money from provincial revenues is spent for encouraging the weaving industry in Bengal?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, that I submit is a different question.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister kindly state whether any of this amount was spent on popularising the handloom industry amongst the agriculturists of Bengal?

The Hon'ble Mr. TAMIZUDDIN KHAN: I may state that a major portion of this money is spent through the Co-operative Department and only a small portion through the Industries Department. The Co-operative Department spend this money mainly in giving aid to certain weavers' societies.

Mr. BIRENDRA KISHORE ROY CHOWDHURY: Will the Hon'ble Minister be pleased to state if any amount is spent on granting subsidies to weaving schools?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, Sir, but perhaps only a small amount if spent by way of aiding the weaving schools.

Presentation of the Ninth Report of the Committee of Privileges.

Mr. DEPUTY PRESIDENT (Khan Sahib Abdul Hamid Chowdhury): Sir, with your permission I beg to submit the Ninth Report of the Committee of Privileges:—

We, the members of the Committee of Privileges of the Bengal Legislative Council, have the honour to present this, our Report, on the matter referred to us on the 18th August, 1941, regarding the restriction imposed on the consumption of petrol under the Motor Spirit Rationing Order, 1941, in its application to the members of the Bengal Legislative Council. The Committee sat on the 22nd August, 1941, and after considering all aspects of the question were of opinion that the restriction could not be regarded as a question of privilege.

GOVERNMENT BILLS.

The Bengal Maternity Benefit (Tea Estates) Bill, 1941.

Mr. PRESIDENT: The House will now take into consideration the Bengal Maternity Benefit (Tea Estates) Bill, 1941, as reported by the Select Committee.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to move that the Bengal Maternity Benefit (Tea Estates) Bill, 1941, as reported by the Select Committee, be taken into consideration.

Sir, the Select Committee has made certain substantial improvements in the Bill which have probably been noticed by the hon'ble members and it is not necessary for me to make any further comments.

Mr. PRESIDENT: Motion moved: that the Bengal Maternity Benefit (Tea Estates) Bill, 1941, as reported by the Select Committee, be taken into consideration.

The question before the House is that the Bengal Maternity Benefit (Tea Estates) Bill, 1941, as reported by the Select Committee, be taken into consideration.

(The motion was agreed to.)

The Bengal Raw Jute Taxation Bill, 1941.

The Hon'ble Mr. H. S. SUHRAWARDY: I beg to move that the Bengal Raw Jute Taxation Bill, 1941, as passed by the Assembly, be taken into consideration.

Sir, the proposals in this Bill have been placed before the Legislature after very mature consideration. Government could never have contemplated any such legislation had it not been preceded by a scheme of compulsory regulation and had not the scheme of compulsory regulation been attended with such outstanding success as has been the case. Sir, it is to the credit of the jute-growers of Bengal that they have realised where their interests lie and have co-operated in full with the Government in restricting their cultivation of jute in spite of the various attempts that were made by interested parties, and by others, whom I had once occasion to characterise as "enemies of the people," to dissuade them from restricting their cultivation of jute.

Any scheme, therefore, which Government contemplate for furthering the interests of the jute-growers and of the industry in general, is founded upon the policy of the regulation of jute relentlessly pursued from year to year with the object of adjusting the supply to the demand. This policy has obviously cost a substantial sum to the Provincial Exchequer, resulting, I sincerely believe, in the increased prosperity of the jute-growers.

Now, Sir, nearly all sections of the House had combined with various interests outside to raise the cry that since no other Government had succeeded in regulating an agricultural crop, this Government too was bound to fail. I remember the various pessimistic statements that were made at the time when Government announced its intention of regulating the cultivation of jute. The task has not proved impossible but has been more onerous than we thought it

would be, with the result that our estimate of cost has gone up considerably and this year we shall have to budget for an expenditure of about Rs. 36 lakhs to be spent on jute regulation. Of course, apart from the work of jute regulation the officers of that Department discharge other duties which are very useful to the jute-growers namely, they convey to the jute-growers from time to time information—valuable information—supplied by Government regarding the state of demand and supply and to what extent and in what manner the jute-growers should bring their jute to the market—an advice which I am happy to say has been accepted and followed by the jute-growers to their considerable advantage.

Sir, apart from the cost of regulation of jute in this province we shall have to undergo a further expenditure in order to induce Assam to take similar steps. We are placing for this purpose a sum of Rs. 4 lakhs at their disposal which will be repaid to us by that Government in annual instalments. We propose similarly to come to an agreement with the Government of Bihar and I hope this attempt on our part will also bear fruit. The advantages of regulation have been conceded and the policy has been endorsed by both the Houses. I feel, Sir, that this policy has come to stay and we shall have to do everything in our power to maintain it with all the necessary expenditure which will be primarily incurred for the benefit of the jute-growers. And, I do not think, Sir, that it is asking too much of a sacrifice from the jute industry as a whole—and by jute industry I mean every interest from the jute-grower to the exporter and I include even the consumer—to share the small tax of 2 annas per maund.

Now, Sir, the purpose of this tax as has been set out in the Statement of Objects and Reasons and as has also been incorporated in the Preamble of the Bill, is to safeguard the interests of the jute-growers and of the industry in general. The idea is to improve the condition of jute-growers, to increase their holding power and thus enable them to market their produce in the best markets, and to stabilise the prices at reasonable levels. At the same time, we hope that if resources are placed at the disposal of Government, we shall be able to rid the industry of the various evils and shortcomings with which we are confronted from time to time, and which the industry as a whole seems extremely loth to take in hand.

Sir, our policy regarding the furtherance of the interests of the jute-growers and of the industry may be classified under four different heads. First, stabilisation of prices. This, as I have pointed out before, is secured by the regulation of jute sowings. Second, improvement of marketing facilities. Now, Sir, this is an important item of our policy and we propose to further it by building up and increasing the holding power of the agriculturist by inducing him to abandon

his individualistic policy and to pool his resources; secondly, by bringing the jute-growers into association with each other, and giving them better information regarding market conditions and prices; thirdly, by giving them facilities for warehousing their goods, and, if necessary, giving them advances, if they wish to hold on to their jute for sometime and wait for better prices.

The third may be classified under the head "improvement of the economic condition of the jute-growers." That would be done partly by scientific marketing and partly by promoting his economic welfare. We would teach him better methods of production and cultivation. We would give him facilities for better preparation of the fibre for the market, give him information regarding better rotation of crops, place the results of agricultural research at his disposal, improve his crop so that it may be presented to the market properly assorted and standardized in order that it may get a better return. Already, Sir, three new jute research stations have been started by the Indian Central Jute Committee with the financial aid of this Government and we hope that they will produce substantial results.

We may in times of distress also have to advance subsidies and pay money to these jute-growers to tide over the difficult period.

Lastly, Sir, a further object of this taxation is to improve the conditions within the industry. Apart from marketing and standardising, we shall have to find out newer markets for jute, better methods of business for the jute mills, a proper regulation of the Futures market. Professor Todd has unfortunately gone back to England after submitting a report which has been of great benefit to the industry and we expect him back amongst us shortly in order to continue his labours. Exports too may have to be standardised. All these matters require thought and consideration and research and experiment and we can hardly embark on them without funds at our disposal.

Now, Sir, I come to a very debatable point—though I do not consider it to be so debatable—namely, on whom is the taxation going to fall. It is not so debatable in my opinion, because it seems to me that the views of hon'ble members are tinged to a very great extent by their political partisanship. The problem is not viewed from the point of view of economics but of politics; that is to say, is it or is it not a good handle against Government, cannot we go before the country and propagate that this Government is imposing a tax on the poor jute-growers and making them pay for something for which they will not get any benefit.

In the first place, the jute-growers have certainly reaped a substantial benefit from the regulation policy of Government. Therefore, any attempt to mislead them on that score is bound to fail. Secondly, from the economic point of view, I am categorically prepared to state that under the prevailing conditions this tax will not fall upon the

jute-growers; and generally speaking, even in the worst conditions it will fall upon them to a very limited extent. Sir, I have been reinforced in this view by the views and opinions of economic experts. I am prepared to back their view against that of my political opponents. I ask the hon'ble members to consider the position of the jute industry. At the present moment by means of the jute regulation policy we have to a great extent adjusted the supply to the demand. If the supply was considerable and the demand was inconsiderable or negligible, that is to say, if there were persons who were throwing their goods on to the market and there were persons unwilling to purchase them, then in that case certainly the tax would fall upon the jute-grower to a very large extent; but then it would not be merely the tax that will fall upon them, but also the price would be lowered in the normal course of events.

For instance, if a jute-grower wants to sell his jute at Rs. 8 a maund and the purchaser is not prepared to pay even Rs. 3, the seller will have to bring the price down to that figure, namely, to Rs. 3, whether there was this two annas tax imposed on this quantity or not. Therefore, it will be seen that the price will have to be reduced in any event when the purchaser is in a position to get jute at his own price. On the other hand, when there is tightness in the jute market, when the cultivator can hold on to his jute, when he can get a high price, when the demand is greater than the supply, then he can claim his own price and the tax will not come into consideration. When the supply and demand are more or less balanced, the tax would be spread over all the various classes participating in the industry. There are for instance the Farias, the Beparis, the small traders, the *kutcha* balers the persons who purchase jute in the Calcutta markets at Cossipore, Chitpore and Hatkhola, the mills and so on, and every one may have to bear the burden according to the insistence of the demand or of the supply in each grade. If there is tightness in ready goods in the export market, the tax may even be passed on to the foreign consumer. That would be the general position and in the normal course of events when the supply and demand are more or less evenly balanced owing to regulation year after year, the taxation will be distributed in this manner among the persons participating in this transaction.

We find that the margin between the price of jute paid to the cultivator and the price of the manufactured commodity is still considerable; there is a substantial margin of profit in the hands of the mills, which are, therefore, able to pay a fairly high price for the jute that they purchase. Under these circumstances, there is really no reason why any portion of the tax should fall on the jute-growers. It may happen —I do not say that it will happen—that one year our policy of regulation may not be successful, on account of, let us suppose, a mistake in calculation, and the supply may outgrow the demand. In such a case

even, if we, namely, the Government on behalf of the jute-growers, and the consumers namely, the mills, can combine to regulate prices, the whole tax, whatever be its amount, could be passed on to the foreign consumer. What happened on the last occasion when the mills combined? They insisted that they would not sell 8 oz. hessians below rupees twelve per hundred yards and after the delivery orders that were floating about in the market were exhausted, the consumers had to purchase hessian at the price dictated by the mills and at even higher prices.

Of course, in such cases, the co-operation of the mill-owners would be necessary and I hope that that co-operation would be forthcoming, as it has been forthcoming at difficult moments in recent times. This means, Sir, that we shall have to watch the situation carefully and act as occasion demands for the benefit of all the interests affected; and cautiously so that the interest of the industry as a whole—from the jute-grower to the exporter—is not jeopardised. But, Sir, the taxation of annas two is in itself very small. It may be that later on, after our experiments have succeeded, and after we find that the tax has resulted in improving the condition of the jute-growers, further resources may be necessary. But at present we are in an experimental stage, and cannot say how much we may ultimately require. But, Sir, after Government have justified before the House the necessity for such measures and we have been able to prove that our schemes have really succeeded in furthering the interest of jute-growers, I am sure I shall have the concurrence and co-operation of the House for finding more money for the scheme. But that is a future contingency and I need not discuss it at the present moment.

Sir, with these words, I commend my motion to the acceptance of the House.

Mr. PRESIDENT: Motion moved: that the Bengal Raw Jute Taxation Bill, 1941 (as passed by the Assembly), be taken into consideration.

Mr. HUMAYUN KABIR: Sir, I confess that I have always had a great deal of admiration for the courage of the Hon'ble the Finance Minister. To-day that feeling has been further enhanced as I listened to his remarks about the relations of economics and politics. He started with an accusation against his political opponents and said that their economics were very largely coloured by their politics. I was anxiously waiting for the Hon'ble Minister to give an exposition of economics from which all political tinge had been expunged, but he has disappointed me. Nor is this surprising, for we shall have to go far and indeed beyond what the Finance Minister here and Finance Ministers elsewhere have said and beyond what recognised economists

of the world have said to find an exposition of economics without any political tinge. Economics is an abstract science and depends upon a special point of view and political passions determine this point of view. Political considerations are, therefore, bound to come in a discussion of this nature. I was wondering if the Hon'ble Minister remembers the conflicts of opinions in economics in different parts of the world. Sir, I do not want to pursue this point further, but I want to stress some of the peculiar conclusions which the Finance Minister has drawn from his premises as a result of his peculiar political mentality.

One of the statements which he has made to-day is perhaps true, as far as it goes. The tax will not perhaps fall on the jute-growers as conditions prevail, provided we underline these last three words. As conditions prevail, the tax may not just now fall upon the jute-grower, because at the moment a war is on, when the demand for jute is very great and the supply of jute in countries outside India is, for various reasons,—some of them economical, some political, some connected with military events,—very small. In such conditions, I will concede to the Hon'ble Minister that just now perhaps the tax may not fall mainly on the jute-growers. I would, however, qualify his remark by introducing the word "mainly." But he seems to forget that even in these extraordinary circumstances,—circumstances which cannot continue for ever,—we have to consider the relative holding power of the purchaser and the consumer. It is notorious that the jute-grower in Bengal has no holding power at all. He himself says that if the jute-grower can hold on to his jute, he can get a good price. Certainly every one agrees to this proposition, but one of the calamities, one of the tragedies of the life of the jute cultivator in Bengal is that he has not got that holding power and, as far as we can see, nothing is being done to increase his holding power.

Again, Sir, the Hon'ble Minister said that supply and demand can be adjusted on certain principles and that if supply and demand are so adjusted, the tax will fall more or less equitably on the different parties to a transaction. Here again, I think, Sir, that his politics ran away with his economics. Though it seems that he has consulted some of his political economists in this connection, he has yet forgotten that there is no such thing as a fixed supply or a fixed demand. Supply and demand are the two basic factors regulating the price of commodities but they are not absolute quanta. At a particular price, there is a specific demand and if you either raise or put down the price, the demand also varies immediately. When, therefore, he says that supply and demand will be adjusted, it can only mean that it will be adjusted at a particular price for a particular period and for particular parties. With variation in any of these many but very necessary factors, there will immediately be repercussions on the whole trade

and the position of the jute cultivator, who is the weakest member in such transactions, will become precarious and uncertain. Sir, the Finance Minister also went on to say that the bu den of the tax will be thrown entirely on the American consumer. Well, Sir, I certainly enjoyed that portion of his speech, for I thought it was a sop thrown to my hon'ble friends on the left, the Bengalee Scotchmen as the Hon'ble Minister himself described them once, meant to persuade them that since the burden is being passed on entirely to the Americans, the Bengalee Scotchmen need not have any apprehensions in their minds. But, Sir, we have to examine again what the situation is. Can we really in the present circumstances hope to pass on the tax on jute entirely to the consumer? If it is true that on account of lack of transport facilities, the supply of jute in the foreign markets is very low; but that tells on the purchaser as well as on the seller. The seller here must try to send his jute abroad if he is to get a fair price and if he cannot send it abroad on account of the abnormal conditions which are prevailing at the moment, it will react on him as well. How then can the Hon'ble Minister be sure, as he seems to be sure, that even in these extremely difficult circumstances the tax in its entirety will be passed on to the foreign consumer? That could be done only under cetrain conditions. [If the whole trade was controlled by the Government, if the industry was nationalized, if the production were nationalized, then I would certainly concede to him that in such circumstances it would be possible to pass the burden of the tax entirely on to the foreign consumer; but till that has been done, I do not think that the Hon'ble Minister, in spite of his boldness and his imagination or shall I say, his rashness, can compel the foreign consumers to bear the entire tax. Has the Hon'ble Minister either the intention or the plan for carrying into effect any such policy? Is it within the capacity of the Legislature as at present constituted to nationalise the jute industry here and now? Therefore, Sir, the point which the Hon'ble Minister sought to make—that the incidence of this taxation will not fall on the cultivator on account of the abnormal conditions which are prevailing now—is not quite as sound as he would like us to believe.]

In further support of this contention of his he expressed an idea which was amazing and showed a very peculiar understanding of the economic phenomenon of prices. The Hon'ble Minister said that at present the jute-growers are getting a fair price. What does the Hon'ble Minister mean by their getting a fair price? Does it refer to the quantum of money? Simply because the price is Rs. 6 or Rs. 7, can it be called a fair price, when we remember that simultaneously the price of rice has gone up to about Rs. 5 or Rs. 6 and that in very many cases the cultivator has to buy his rice. Many cultivators grow enough rice for a few months, but during the rest

of the year they depend on rice bought in the market. Such a cultivator is not able, in spite of the apparent rise in the price of jute, to pay the high price for rice. Is it a fair price when we know that the price of all other commodities, clothings, salt, kerosine and other necessaries have also gone up, sometimes by a very large margin? Price is not an absolute quantum. Therefore, when he suggests that simply because the price of jute has gone up to Rs. 6 or Rs. 7 from Rs. 3, there is a definite increase in the real value of the jute, and that the cultivator has benefited to the full extent of this increase, he is building on premises which do not exist.

Sir, there has been an all-round increase in prices, but has the price of jute gone up in the same proportion? I would like the Hon'ble Minister to tell us whether it is his belief that the price of jute under the present condition has risen relatively to that of other commodities.

Sir, the Hon'ble Minister has given a programme which he divides into four parts. In that programme, he has given us a very vague and very ill-defined picture of the millenium. I started by saying, I always admire the boldness and courage of the Hon'ble the Finance Minister and the manner in which he places these things before the House. Sir, a levy of 2 annas per maund of jute will certainly not bring millenium to Bengal. But he has painted a very fine picture in his programme. If he can bring millennium by his programme, then certainly he will deserve our admiration. But, Sir, it remains to be seen whether he can actually realise that picture. We have neither the details of that programme nor the policy, neither the plans nor the mode in which his programme will be worked out. We know neither the legislation nor the executive acts through which Government are going to put this programme into effect. I must confess, Sir, that I am a little suspicious of both the intention and the power of execution of the Government.

Then, Sir, the Hon'ble Finance Minister has made very great play about the question of regulation of jute cultivation in this province. He has also referred to the activities of those whom he was pleased to term as enemies of the people. Now, "enemies of the people" is a very convenient term. In the excitement of political conflict, parties may throw it at one another, but 40 or 50 years hence people will perhaps be in a little better position to judge who were their real enemies and who were their real friends. If the Hon'ble Minister terms his political opponents as enemies of the people because they do not agree with him, perhaps they will pay him back the compliment and characterise him as an enemy of the people. Will this prove that he is an enemy of the people? Such excitement may at times be necessary for maintaining in power men who do not deserve any power. Excitement is necessary to drown reason and raise false issues, and hence it may be necessary on that consideration but on no consideration can it be

justified. For what consideration is it necessary to use all these terms in this House without the slightest provocation from any section of the honourable members? It may be necessary to confuse the supporters of Government but will it show them who are the real enemies of the people? The Hon'ble Minister was allowed to develop his point without any protest, without any interruption from any side of the House, and yet he has tried to create an atmosphere of bitterness which can only be described as wild polemics. Sir, certain very necessary amendments had to be made in the Bengal Jute Regulation Act. What actual good has been done to the jute-growers by this Act remains to be seen, but if any good has been done, it is due to the amendments carried at the instance and under the pressure of those of whom the Hon'ble Minister seems so afraid.

We have always argued, and still argue that jute is such a fundamental item in the economic life of Bengal that steps affecting it should be taken only after proper examination and survey. All the different aspects of jute regulation should be examined before any scheme is carried into effect; all its repurcussions should be examined and steps taken to meet the social problems created in the process. Have the Government done this? Have they thought of the land released from jute and its possible uses? Have they thought of the landless agriculturists thrown out of employment as a result of restriction in the cultivation of jute?

One cannot quarrel with the Hon'ble Minister regarding his policy of regulation, or is it perhaps only an euphemism for restriction? We must, however, examine how far the policy of Government has been one of regulation and how far it has been a policy merely of restriction, how far this policy of restriction has been based on an accurate observation and a record of different facts and upon balancing and estimating the fluctuations of production in different years. These again will have to be weighed before we can pass judgment upon them. Well, Sir, our main quarrel, as I stated before, is that the Government have sought to carry out the scheme at the last moment, and in a great hurry, and without sufficient preparation. Government had sufficient time, but for three years they slept over the matter and did not take any steps to have the data collected slowly and gradually and build up their knowledge of the facts upon such data to enable them to introduce legislation for the good of the cultivators of Bengal. Instead of doing so, when there was time a hurried survey was made whose defects the Hon'ble Minister cannot deny. It was so defective that it had to be rejected as utterly worthless and a re-survey had to be ordered. Even this re-survey was defective and yet the jute regulation policy was hurried through. We have no quarrel with the policy of Government and we quite agree that regulation is necessary if the trade is to be improved. But regulation implies a recognition of two sides of the

question. On the one hand, there must be control of production and on the other there must also be facilities for better marketing. To-day we have no doubt been told that the Hon'ble Minister intends to provide for such facilities but as yet we have got no scheme. We have argued throughout that in the very abnormal condition of to-day it is very doubtful if a far-reaching measure like this should be carried through in haste. Such hurry will lead to the neglect of all other points of view except the one which may have caught the imagination of the Hon'ble Minister. I doubt, Sir, if it is a wise step the Government are taking in view of the prevailing situation. As I have stated, we have no objection to the policy of regulation but we expected that it would be intelligent and would be undertaken after consideration of all the aspects of the question, after seeing how far we can find new uses for jute, how far the demand can be increased or how far by reducing the supply, we may secure a price that would compensate the growers for the loss in the quantity of produce.

Then, there is another point to which I feel inclined to make a reference. The Hon'ble Minister said that a two annas tax was not too much for the cultivators of jute. If the benefits promised by him are realised, then the price he asks is really low. As yet, we do not know if the good is going to be realised, for there is no scheme and no programme, except only a vague statement that the present state of affairs will be transformed. In the meantime, the tax of two annas will be levied immediately, and will not have to wait till the millennium comes. Sir, two annas is not a small amount if we look at the economic condition of the cultivators. In one part of his speech, the Hon'ble Minister himself got bewildered and could not clearly state his own convictions. If the price of jute is Rs. 3 or even if it goes up to Rs. 7 or Rs. 8 as at present, then two annas is a fairly high percentage. This percentage may be negligible for a person with a large income, but to persons who live on the margin of economic starvation, like the jute cultivators of Bengal, even one per cent. may represent a heavy tax. I think that all these points should have been kept in mind by Government before they brought forward this Bill in order to tax still further the already over-taxed people of Bengal.

Again, Sir, it was stated by the Hon'ble Minister that Government propose to spend 36 lakhs of rupees at present. That is the amount budgeted for the scheme of regulation for the next year. Now, Sir, the cultivators of Bengal are already paying a considerable amount of tax in the shape of the export duty on jute which also ultimately presses upon the cultivator.

Out of this tax, the Government of Bengal have gained to the extent of almost Rs. 2 crores—may be a little less or a little more. The Government of Bengal benefit to the extent of almost two crores by a

tax on jute cultivation and yet they want to impose a new tax on the cultivator to improve his lot! Instead of finding the Rs. 36 lakhs which is necessary for the regulation of jute crops under their restriction scheme from this source or from the general revenues of the province, to impose an additional burden on the people is, to say the least, impolitic.

Finally, Sir, I come to the question of the present economic condition of the province. To-day even with a fair income, one has to live very economically, as prices range high on account of war. The condition of the cultivators is so hard that in very many cases their condition is equivalent to that of people who live on the verge of starvation, although technically the word famine may not apply to them. To bring in a new scheme of taxation for the sake of some doubtful benefit in the distant future, the plans and programme of which are not yet decided upon, is in these circumstances not only ill-advised but bespeaks a strange callousness to their suffering.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, Mr. Humayun Kabir started to defend economics against politics. But I must say that he has sacrificed the economist and succumbed to politics. He has been criticising the Government policy here and elsewhere and has been trying to show that there are other ways of improving the lot of the jute-growers, but up to now we have not heard anything from him of any definite scheme. He said that the Government policy which has been enunciated is vague. But I must say that the policy is still in a nebulous condition. The question that is now facing the jute-growers is how to get better price for their jute. He first of all tried to establish that the taxation will be a burden on the jute-growers. The major part of his speech was confined to the argument that the tax which is going to be imposed will be a burden on the growers. He raised the question of demand and supply. But it cannot be said that the tax of annas two will be a real burden on the jute cultivators. Sir, the Government say that the imposition of this tax will improve the financial position of the jute-growers. By imposition of two annas as tax Rs. 50 lakhs could be raised. If the price of jute can be increased to the extent of Re. 1 per maund, it means 4 or 5 crores. of rupees for the cultivators. If Re. 1 is increased per maund, I think it will not be a burden for the jute-growers to pay annas two as tax in order to bring to the provincial exchequer Rs. 5 crores or Rs. 1 crore on the restricted scale.

Mr. Humayun Kabir's next complaint is that by the imposition of this tax injustice has been done to the cultivators. It is very difficult to say whether the increase of price from Rs. 2-8 to Rs. 7 or Rs. 8 is due to the restriction imposed on the cultivation of jute or due to the war. The question is: whether the cultivator will be able to get better

price. Our experience is that during the last year there has been a considerable amount of holding back of jute.

Every one did not hold back certainly and it is also a fact that when the price went down to Rs. 2-8 some had to sell; but a large number did hold back and they are selling the same jute to-day. Therefore, it is not proper to say that the cultivators are not able to hold back even for a few weeks, if not a few months, for the purpose of saying that "I am not going to sell to you the buyer if you do not pay Rs. 3 instead of Rs. 2-8." When he finds that the buyers are more numerous than the number of sellers, certainly he can hold back for 2 or 3 weeks and even a month. The purchasers knowing the conditions of the produce, knowing the quantity that is likely to go ultimately to the market, will perforce have to make purchases whatever be the price so long as they think that there is a fair margin of profit between the price of raw jute and the sale price of their manufactured goods. Therefore, Sir, it is difficult to say whether this restriction has not brought about an improvement in the price. If there has been an improvement of price, then certainly it will be more than 2 annas in the rupee. Therefore, Sir, so far as the particular scheme is concerned, if Government is convinced that they will be able to bring more money to the individual jute-grower by putting on this tax upon the raw material, then they will be justified irrespective of the fact whether the taxation ultimately falls upon the cultivator or upon the manufacturer. Now, Sir, as regards the scheme itself, here I must confess that I have not been able to agree always with the Government that restriction alone is sufficient to give the relief that is necessary. For after all, we have by restriction this year reduced the production to 1½ or 2 crores of maunds of jute. Now, if the price be Rs. 8, this will give about 15 crores of rupees and if there were no restriction we should have 5 crores maunds of jute, and at Rs. 4 per maund it would come to 20 crores of rupees. There is thus a difference of 5 crores lost to the jute-growers. But if the cultivator did not get the price by this restriction which he ought to get, he certainly has made a sacrifice by cutting down his money crop by two-thirds. Therefore, he does not get adequate return by sacrificing part of his cultivation. At present, the cultivator has not the capacity to bargain. He comes to the market, and he has to sell his jute if not to-day at least 2 weeks hence. He has perforce to accept the price offered by the purchasers, even though he knows that the price is extremely low. What is necessary is to put him on a bargaining level with the consumer, with the powerful mill-owners and the exporters, for if the mill-owner sees that they can make more profit by purchasing three months hence than by immediately going to purchase on a competitive price, certainly they will do so. Therefore, if you want to put the growers on a competitive level, on a bargaining

level with them, you can only do so by organizing the millions of growers into one organization. That is a picture of which the Hon'ble Mr. Suhrawardy has given a hint. That requires money; that requires programme; that cannot be done overnight. All that is necessary is that we must have a programme immediately and put it into effect as soon as possible. If that would require even a greater taxation, no one will grudge. Once you can organize the growers into one organization, put them under one marketing scheme and if this marketing organization gathers together all the produce of the cultivators, then there will be the required organization to bargain and sell for him. They will then know what the mill-owners demand will be and what the outside demands will be.

The mill-owners will also know how much the outside world can pay for their finished goods. They will then be able to demand of the exporter the proper price for their jute and they will get it. If the needs of the mill-owners and the consumers can be first ascertained, the restriction may be put on accordingly and it will help to adjust the supply and demand very easily. Therefore, the immediate and urgent problem is to organise jute-marketing for jute-growers. There is every possibility of success. Mymensingh, Tippera, part of Dacca and possibly Pabna produce jute of special brand which gives them a monopoly of that quality. If organizations are started and private purchases by individuals are prohibited, the problem of jute-marketing for these concerns can be tackled comparatively easily. Government can finance these organizations from a tax imposed on jute generally and the experience thus gained may enable the Government to extend the scope of operation to other areas throughout Bengal. By starting with a manageable programme they can ultimately bring this scheme into effect practically throughout the whole province.

There is, however, one question which I want to emphasise. And that is whether the amount raised from this tax will be merged with the general revenue of the province. Supposing there is a surplus. Will that go to the General Revenue fund? If so, why? Jute-growers have been paying, it does not matter whether they pay to the Centre or to the provinces, to the tune of Rs. 3 crores or Rs. 4 crores for the last 25 years. That is, they have paid already Rs. 100 crores. We know the proverbial poverty of the cultivators. So, whenever there is any surplus of this taxation that should be reserved for the purpose of giving effect to any future scheme that may be brought in for the improvement of the condition of the jute-growers and should in no case be diverted for the general expenditure of the Government. With these words, Sir, I support the motion.

Mr. W. F. SCOTT-KERR: Mr. President, Sir, I rise to support the motion for consideration of the Bengal Raw Jute Taxation Bill. The

Objects and Reasons of the Bill are stated to be in order to raise funds for the carrying out of measures for the stabilisation of jute prices, the improvement of marketing facilities and generally to further the interests of the jute-growers of the Province. The estimated annual revenue from this Bill is 50 lakhs of rupees. No one can quarrel with such desirable principles as those set out in the Statement of Objects and Reasons, and my Party whole-heartedly support the purposes for which the Bill has been brought forward before the House. I believe that for this year, in any case, the bulk of the proceeds from the tax will have to go towards meeting the expenses of the jute regulation scheme, so that there will be little left to devote to the welfare of the cultivators in other directions. So long as Government bear in mind that to stabilise prices is not to raise prices, we have no fault to find with this meditated expenditure. The last two speakers have referred to what is called the jute restriction policy. I would like to draw the attention of the honourable members to the fact that the scheme is a jute regulation and not a jute restriction scheme. The popular theory seems to be that Government are going to restrict the cultivation of jute as they did this year, in order to raise prices and give the cultivators a very large return for their jute. If this theory is continued, then it will kill the goose that lays the golden eggs. The price of jute will be forced up to high levels and demand will recede. According to the scheme at present being carried out by Government for the regulation of jute, the crop had to be cut down by two-thirds this year; next year it will have to be increased. You cannot meet a demand of 70 to 80 lakhs of bales with a crop of 40. So, I would like the honourable members to disabuse their mind of the idea that it is a jute restriction scheme.

The Hon'ble Minister has told us of other directions in which this money will be spent, but, Sir, there is one direction in which I should like to know it will not be spent, and that is in the purchase of jute. Sir, the primary object of the Bill is the stabilisation of jute prices. Now, stabilisation is to render an object not easily moveable. So, the policy of Government in the stabilisation of jute prices is presumably to keep fluctuations in jute prices from a certain point within the narrow limits. We welcome a scheme that is going to do this and we should welcome still more an indication from the Hon'ble Minister as to how he proposes to carry it out. As regards fluctuations and stabilisation of prices, I cannot help referring to the *Fakta* or Futures Market, to which the Hon'ble Minister made only a vague reference in his speech. It is known to everybody inside and outside the trade that violent fluctuations are witnessed almost daily in the jute market, and these are caused practically on every occasion by equally violent fluctuations in the *Fatka* market. These fluctuations in the Futures

or *Fatka* jute market are caused by buying or selling by irresponsible people who have nothing whatever to do with the trade. They have no intention of taking or giving delivery and on most occasions they have no idea of what is likely to influence or not to influence the supply and demand. These fluctuations, influencing as they do, the trading markets, are directly against Government's policy of stabilising jute prices. If they are allowed to continue unchecked, stable markets will be impossible and the legitimate trader's interests will continue to remain unprotected. After all, why should a trader who has laid his policy on what he thinks sound foundations after he has studied the laws of supply and demand—why should he have his policy upset and himself possibly ruined by the action of irresponsible gamblers of the *Fatka* market? Here was a glorious chance for the Government to raise revenue by taxing a market that most undoubtedly should be taxed, if it was not closed down, and at the same time to follow their own policy of stabilising prices.

Government are imposing a tax once on every maund of the jute crop. In the *Fatka* market the jute crop is turned over many times in the course of a year, so taxation here would be a very remunerative business. Why should the legitimate traders be taxed and a gambling market such as *Fatka* be left entirely free? What an opportunity has been missed and how greatly such taxation would be welcomed by all sections of the trade except of course the gamblers themselves. I have heard it said that Government's view is that taxation of the *Fatka* market would drive it underground. For many years, all sections of the trade have asked Government, without success, to abolish *Fatka*. But if Government will not cause *Fatka* to die either a natural or a violent death and thereafter to be decently buried, surely the next most effective step would be to bury it alive. Sir, I am not suggesting the impossible, and it would not be hard to devise a scheme of taxation, even before the reorganisation of this market, as suggested by the Government's own adviser, Professor Todd. If the Hon'ble Minister would assure us that he would give thought to such a scheme, I am sure it could be worked out; but the thought of considering it must possess an affectionate parent in the shape of the wish to bring the offspring to maturity.

That, Sir, is all I have to say. We support the motion for consideration unconditionally. But we should appreciate some sort of assurance from the Hon'ble Minister in regard to the points I have raised in connection with this Bill.

Mr. NUR AHMED: Sir, I rise to support the motion of the Hon'ble Minister. Taxation is necessary in certain cases although nothing is so galling and so repugnant to an oriental mind as taxation. There is a strong justification for taxation in this case and I think no one

should object to a taxation of this nature. I have heard the speech of the Hon'ble Minister in charge of the Bill. He has given a lucid and clear picture of the future scheme to be undertaken with this money and has stated very lucidly what would be the effect of the scheme, and how the money that would be raised by this taxation would be spent. Sir, I know that in Bengal taxation is very heavy, perhaps heavier than that in other provinces of India and the Bengal peasantry which is the backbone of the province is more heavily taxed than the rich men here.

Sir, in India according to one calculation the incidence of taxation per head per year is Rs. 4-14-3 and according to another calculation Rs. 6-1-8. Sir, the Indian Taxation Enquiry Committee came to the unanimous conclusion that the poorer section of the Indian population pay more heavily than the richer people. They pay more by way of land revenue, excise, stamp and salt duty than the richer people. Sir James Grigg in his speech delivered in the Central Assembly in March, 1938, had to admit that the richer people in India contribute very low and are let off more lightly than the poor. According to Mr. K. T. Shah, in India on an average the poor people pay about 150 crores of rupees by way of tax, while the rich people pay only 100 crores. Sir, considering from that point any measure which adds to the burden of the poor should be opposed at all costs. Sir, the pitiable condition of the Bengal peasantry has reached the climax. Sir, as you know, we had the other day the glowing picture of the Bengal peasantry painted by no less a person than Professor Radha Kumud Mookerjee. But let me, in sad contrast, quote the remark of one of the noblest Englishmen who had occasion to work in this province, I mean Mr. Bentley. He remarked that the condition of the Bengal peasants was such that they had to live on a diet on which even the rats cannot live for a week. Such is the state of the Bengal peasantry. So anything adding to the burden cannot normally be supported.

Sir, there is one bright feature in regard to this taxation measure. We have to consider in this connection the condition of the jute trade. Every well-wisher of Bengal knows that the condition of the peasantry was very miserable owing to the dullness of the trade and everyone was at his wits end to find out ways and means to improve the condition of jute trade. Government tried some means but could not do much and after all they resolved upon one measure, viz., the restriction of jute cultivation. Experience has shown that that is one of the means which is calculated to improve the condition of jute trade. Sir, one redeeming feature of this measure is that in the preamble the purposes for which the money will be spent has been plainly stated. Sir, we have heard the scheme, I mean an outline of this scheme. As a result of this taxation if ultimately the jute-grower can get a fair price for his jute and thereby his economic condition improves, I think that this

taxation will be more than justified. On that ground only, I support the motion for consideration.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, there is only one point to which I wish to draw the pointed attention of the Hon'ble Minister. I have always been an enthusiastic supporter of the scheme of compulsory jute restriction, but from the experience which I have had this year in our part of the country it has been found that although probably it has done some good to the agriculturists,—in some part it has done much good—it has at the same time had a very bad effect on the labour population of the rural areas. Sir, in my district of Mymensingh 9 lakhs acres of land used to be cultivated for the growing of jute every year in normal time, but this year on account of the restriction only 3 lakhs acres have been cultivated. The result has been that for 6 lakhs acres of land, which was set free, very few labourers could be employed. Labourers who used to work on jute, on an average used to get Rs. 20 per acre. They have been denied this income in those 6 lakhs acres of land. The labour population have been deprived to the extent of Rs. 6 lakhs × 20, which means more than one crore of rupees in the district of Mymensingh alone. The labour population has been deprived of that income on account of the jute restriction. It may be said that there are other crops in which they could be engaged or employed. But, as a matter of fact, we know, Sir, that growing of jute requires much more labour. No other crop requires so much labour. The agriculturists themselves can manage to grow other crops. It does not require extra labour to grow any other crop. In growing other crop it costs roughly Rs. 3 to Rs. 4 per acre. In jute, ordinarily there are three weedings—the first weeding costs Rs. 6 per acre, the next two about Rs. 3 or Rs. 4 each, then there is cutting and extracting jute which also costs a heavy amount. On an average, I have calculated that the labourers used to get Rs. 18 to Rs. 20 per acre. They have now been deprived of all that. Is the Hon'ble Minister considering, while he is asking for this taxation measure, to do something for the labour population which have been hard hit on account of this restriction of jute? He has been thinking of utilising the entire amount of the proceeds of this tax for the benefit of the jute-growers. He is altogether forgetting the reaction which this regulation has had on the conditions of the labour population who are far more helpless than the jute-growers themselves.

Sir, the labour population in the rural areas of Bengal has been gradually increasing and increasing to a phenomenal extent. In the last census the landless agriculturists of Bengal was shown to have increased by 50 per cent. If it grows in such strides, it will be dangerous if anything is done which would go to decrease their average income. So, I say, Sir, it is time that something should be done for

fixing the wages of the labourers. Of course, I do not know if the fixing of minimum wages will be of any gain to the labourers when there will be no adequate demand for labour. It will be a very great problem indeed if nothing is done to help the labour population out of the proceeds of this tax.

With these words, Sir, I support the Bill, but I hope that this matter will be taken into consideration when the Bill will be taken up clause by clause.

Khan Bahadur M. SHAMSUZZOHA: Sir, I beg to accord my whole-hearted support to the Bill that has been placed before the House. The problem of jute is a complicated one that has been facing the Government since the time when jute began to be produced on a very large scale in Bengal. Our agriculturists are miserable, unorganised, unprotected, and helpless while the mill-owners and the purchasers of jute are highly organised and virile. The present popular Government since its assumption of the administration of Bengal has been trying to solve the problem to the best of their ability. Before this Government came into power, there was a worldwide depression in all trades since the year 1929 and consequently there was a depression also in jute prices. The old Government carried on an agitation for restricting the production of jute but that restriction was to be based on voluntary effort. It was subsequently found, however, that this policy of voluntary restriction did not serve the purpose for which the scheme of restriction was mooted and then it remained for this new Government after coming into power to appoint a Jute Inquiry Committee. That Committee came to the conclusion as a result of their deliberations that the first step to be taken ought to be towards the regulation of jute production and unless that regulation was undertaken no definite scheme for an all-round progress of the jute industry was possible. Regulation of production is the foundation on which the solution of the whole comlex problem of jute should be based. But the Government should proceed very cautiously by examining the matter in all its aspects because the problem is so very vast, the persons interested are so many and the interests are so various that it has become one of the most difficult economic questions that has been engaging the attention of the Government of this province. Sir, we have heard a discussion to-day of the probable effects of the oscillations of demand and supply on prices. Our main objective in these deliberations is the securing of reasonable prices for the jute-growers and every one of us should make an endeavour to approach this question from that point of view, namely, as to how far it is possible to secure a reasonable price for jute. In order to do that the essential factors and forces of supply and demand will have to be studied and examined and their repercussions on the scheme to be undertaken will also have to be considered.

Now, Sir, the regulation that has so far been done by the Government has been directed towards restricting the growing of jute. It has been pointed out that one-third of the jute crop of last year has been fixed as the quota to be produced in the present year. Having regard to the history of jute-growing just previous to the advent of this Government, we find that there were already some very strong reasons for the restriction of jute production. Learning of the compulsory scheme for jute restriction from hearsay and gossips in 1939-40, the jute-growers began to sow more of their lands with jute than they used to do in former years. That is my experience, Sir, and I have seen that the people, I mean the ordinary cultivators, who had 40 bighas of land and cultivated only 5 bighas in 1939 began to sow jute in as many as 20 bighas.

Therefore, if we compare the area that used to be sown in previous years with the area allowed to be sown in the present year, we will find great differences. The reason is that personal gains loomed large before the cultivators' eyes and the people attempted to get as much of their lands sown with jute as possible when they foresaw that compulsory regulation was coming into force. Therefore, it is not strictly correct to say that heavy reduction has been made in the production of jute by the promulgation of Government's order restricting the production of jute only in one-third of the jute lands of the previous year. As regards the supply side of the problem of jute, Government acted wisely and so far as the supply is concerned, we should congratulate the Government on its successful campaign. But there have been many criticisms when compulsory regulation was first introduced by the Government. It is no doubt natural that there would be criticisms in any scheme when Government will try to restrict people in their choice of cultivation; but this restriction had to be imposed for the benefit of the cultivators and so they had to put up with certain amount of inconvenience in the beginning. Then, Sir, with regard to supply side of the problem there should be classification of raw jute as there are differences in quality and for this, standardisation should be resorted to. Then and then alone the Government will be in a position to come out with a scheme for controlling the prices. How far Government will be able to stabilise the price will be a bigger problem still, because unless the world demand can be known with certainty and unless definite standards are fixed that jute of this type and kind will be sold at such and such price, it will not be possible to maintain a legal standard price or prices. To work out the preliminaries some very necessary matters have been provided in this Bill. An attempt has been made for the first time to keep an account of the jute that will pass from the hands of the growers. Although it may not be strictly accurate account, there is no doubt that some account will be available of the jute that will be consumed in the jute mills and exported from the province and therefrom we shall get some idea as to the demand of jute. It will also be to the benefit of the jute-growers

when Bihar and Assam undertake a legislation of this nature. Their jute will also be shipped from Calcutta. I know from experience that all jute is exported from Calcutta. If that is so, a fairly accurate account of the amount of jute exported from the Calcutta port to the foreign countries would be available and we will be in a position to know the total demand and regulate the supply accordingly. It will be much better if Government undertake a scheme whereby they can get a fair idea of the demand of jute in foreign countries by employing suitable agencies. If Government get a correct idea of the demand and supply, they—I am sure—will ultimately be in a position to control and regulate the prices and ensure prosperity to the jute industry as a whole.

Sir, criticisms have been levelled from all sides even from the members of the Coalition Group, as well as by my friend Mr. Humayun Kabir on the other side so far as the problem of jute as a whole and the present Bill of the Government are concerned. But it cannot be doubted that the problem of jute is a very difficult question, and I do not think even those who are most intelligent and capable in other spheres can say unhesitatingly that they understand the implications, the economic implications of the present measure or of anything connected with jute problem very clearly and plainly.

In my opinion therefore it will be now almost academic to criticise Government as to whether the burden of the proposed taxation will ultimately fall on the shoulders of the cultivators or other interests engaged in the trade. In view of the fact that the Hon'ble Minister has at last come forward with a proposal for undertaking schemes for carrying out measures for the good of the jute-growers and also of the industry in general, we give our support to this motion. But, Sir, at the same time I should urge that the picture that the Hon'ble Minister has given of the schemes or the projects that he intends to take up, should, in view of the fact that they are not now being given legislative shape, at least find specific mention in some Government *communiqués* or Government executive orders, so that the people may be at least acquainted with the proposals, with the schemes, with the ideas that are in the mind of the Hon'ble Minister; else, Sir, criticisms may be levelled against this taxation measure and the jute-growers will not be able to disabuse their minds of the idea that ultimately this taxation will have to be borne by them. Therefore in order at least to assure them that the Government intends really to benefit them, it is desirable that some idea of the scheme, some idea of the practical benefits that will accrue from the taxation should be given to the people as was done, Sir, in connection with the programme of jute regulation by inviting the people even before the Jute Regulation Act was passed to co-operate and come to the aid of the Government officers. I refer to the 1939 scheme or the 1940 scheme and the people, Sir, gave their whole-hearted

support. So likewise, it will be better if the Hon'ble Minister takes the people into his confidence before he launches upon any definite scheme and also before he takes up other projects of which he has given an idea in his speech.

Now, Sir, as regards ear-marking the entire amount of raw jute tax, we are of opinion that it should be specifically ear-marked. While on this subject, I would also submit that it would be better if the amount which will come out of this taxation measure should also be supplemented by further contributions from the Central Government's share of the export duty. The Central Government realises a fairly large sum on this head. We, the members of the Legislature, have on other occasions asked the Government to make further attempts to get a further share of this export duty on jute. We don't yet know what Government has done so far. We request the Government and the Hon'ble Minister in charge to see that fresh and renewed attempts be made to get further contributions from the Central Government from the jute export duty.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I am grateful to various sections of the House for the support which they have given to this Bill. I shall try to be very brief in my concluding remarks.

I shall first deal with Mr. Humayun Kabir's points, but before I take them up I should like to tell him that the expression "enemies of the people" was used by me not with reference to any member of this House, but against those persons who deliberately induced the jute-growers to break the law and to defy the regulation. It was levelled against them only and I do hope that when in the distant future the result of the present policy of Government will be appraised—I hope Mr. Humayun Kabir will live to see that day—he too will characterise those persons who have opposed the policy of Government in this direction as enemies of the people. Sir, far be it from me to describe my political opponents as such, as enemies of the people.

It is correct, Sir, as Mr. Kabir himself has admitted, that the tax will not fall upon the jute-growers under prevailing conditions. He wants to underline the words "under prevailing conditions". Well, I do underline them. I do submit, Sir, that the prevailing conditions have been brought about by the policy of regulation and not by the war. Mr. Humayun Kabir has a short memory; otherwise he could not forget that the war was responsible for the collapse of the price of jute. In the beginning when the sand bags were ordered, the price of jute went up; but after that shipping difficulties were experienced due to the war and the various countries of the world which used to purchase jute ceased to purchase jute owing to their passing into enemy hands and the demand fell off with the result that the price of jute collapsed. Now, Sir, the present high price of jute is not on account of the war,

but because the demand and supply have been brought into close relationship with each other. This regulation will continue and the prevailing conditions will continue to prevail; supply and demand will continue to be adjusted, war or no war. If at all, war has kept the prices down. If the war finishes, the price of jute will rise still further. I again say that it is not the war that has brought about any increase in the price of jute but it is just the reverse.

Next, Mr. Humayun Kabir says that the cultivator has not sufficient holding power to enable him to take advantage of such adjustments. Now, Sir, the very object of this taxation measure is to increase his holding power. I do admit, and have always admitted, that on most occasions previously, the cultivator had not got that holding power. This year fortunately he has, because this year the cultivator in most parts of Bengal has produced a very good *aus* crop on the lands released by our regulation scheme from jute cultivation. With this *aus* crop available, it has not been necessary for him to sell jute at any rate that might have been offered or to convert his jute into money. He is now able to sell his jute gradually and slowly; and sell it only when he gets a good price.

Mr. Humayun Kabir has also said that it would be impossible to bring about such an adjustment until jute is nationalised, namely, controlled by Government. But the same object can be achieved, and jute can be controlled in all the stages from sowing to sale, if all the interests in the jute industry co-operate with each other and with Government.

For instance, if the balers, the exporters and the jute mill industry co-operated with Government, then we could get exactly the same amount of control which we could get by a system of nationalisation. Now, the same hon'ble member charged me with having forgotten my economics when I discussed the question of a fair price for jute, for he said that the prices of other commodities had also risen. But, Sir, to-day the price that a jute-grower is getting is fair in relation to the rise in prices of other commodities. He has further said that there has been a rise in the price of rice which the jute-grower has to purchase and hence he is penalised. This is not strictly correct. If the price of rice has risen, so has the price of paddy, and the price of jute, and the jute-grower who is an agriculturist has got the benefit of this rise in the price of both jute and paddy. Sir, I have not suggested that the two annas tax will bring in the millennium. I have merely laid down a policy as also the steps we propose to take for stabilising jute prices and increasing the holding power of the agriculturists. I do not think that the resources which the Government is asking the House to supply them with will be sufficient. That was the trend of my speech when I pointed out that if the experiment were successful and satisfactory, then it might be necessary for Government to come before the

House for increasing those resources. But, Sir, Government does not want to put itself in possession of resources that it cannot reasonably spend at present. I do not want that Government should have money in its hands which it may be tempted to fritter away on schemes which have not been tested, and it is for this purpose that we want to proceed step by step and in this way we can substantially increase the price of jute for the cultivators. Sir, I am grateful to my friend Mr. Hamidul Huq Chowdhury that he has to a large extent defended and supported Government but he has also found fault with us. I must point out to him a fallacy into which he has fallen. He says that this year we are getting only one-third of the normal jute crop and therefore in order that we may be able to compute the yield in terms of money, the price of jute should be at least three times the price of jute in normal years. But he forgets that last year the price of jute fell to rupees two and eight annas a maund; he forgets that this year too if jute had been unregulated it would probably have fetched only one rupee or eight annas a maund. He forgets that this policy of regulation has not merely increased the price of jute this year but had been instrumental in securing to the cultivators a better price for his jute last year than he could ever have hoped to receive. Had jute production not been regulated this year, the mills last year would not have purchased the jute which they actually did purchase. The mills were only induced to purchase jute, spread over a number of months on the distinct understanding that we would make every effort to regulate sowings this year. If we did not regulate this year, the crop not only of last year would have remained unsold but of this year as well, and what would have been sold would have fetched next to nothing, and all hopes of bettering the condition of the jute-growers would have disappeared. Therefore, it is not fair to judge the success of regulation by comparing the totals of the amount received at present with the total of the amount that a cultivator would have received had the prices remained normal, namely, four rupees a maund according to the hon'ble members. Still, however, the price of jute now prevailing has approached three times that normal price, and jute-growers are selling their jute at Rs. 10-8 or Rs. 11 which is quite a good price even on that basis. I have never suggested—nor or when Government announced their intention to impose restriction—that restriction alone was sufficient to solve all the problems of the agriculturists. But restriction or regulation is fundamental, it is the basis—the very foundation—of our future scheme. We shall have to proceed further. We have set ourselves the task of tackling the jute problem and we propose pushing it to its logical conclusion, so that the interests of all, from the jute-grower to the final exporter, is properly safeguarded.

Sir, Mr. Hamidul Huq Chowdhury wanted to know whether the money raised from this taxation will be merged in the general funds

of Government or will be spent for a particular purpose. Sir, personally I am against the ear-marking of any money for any particular purpose. But I can assure him and the hon'ble members of the House that this money will be set apart for the benefit of the jute-growers, and if in any year there is any surplus, it will not merge in the general revenues of the province but it will be set apart as a sort of reserve fund in order to spend it for the benefit of jute-growers.

Then, Sir, with regard to the remarks of Mr. Scott-Kerr. He has enquired whether the stabilisation of the price means raising the price of jute. Stabilisation does not necessarily mean raising the price of jute. But what objection can there possibly be if the agriculturist gets as high a price as possible provided the industry is not affected—what objection is there if the grower gets a good price for his jute provided the manufacturer also can sell the manufactured goods at a good price. For, if he gets a good price for the manufactured goods, he should not grudge paying a high price to the jute-grower. In the present circumstances, nobody should grudge the agriculturist getting the highest possible price without killing the goose that lays the golden eggs. Mr. Scott-Kerr and his Association should examine closely who is killing the goose that lays the golden eggs. If there is any danger to the industry, it is due to the high price charged for the manufactured goods, so much so that America has had to come in and fix a maximum price in order to save itself from being exploited. I think, Sir, before Mr. Scott-Kerr thinks the price of jute as too high, higher than the industry can bear, he should look at the other side of the picture as well and not merely to the interests of the industrialists. He must see that the goose is not killed by the industrialists themselves. We are most anxious that the industry should continue to exist. Government consider that the industrialists and the agriculturists are bound together in a common interest. The industrialists should be alive to the fact that their industry is bound up with the welfare of the agriculturists, and accordingly try and promote the interest of the agriculturists in every possible way. Mr. Scott-Kerr also wanted to be assured that the money raised by this taxation would not be spent on the purchase of jute. Sir, I am glad to give him that assurance. It is pretty obvious that the amount at our disposal will be so little that it could not possibly be spent for the purchase of jute.

If ever we have to purchase jute, Sir, it will not be from this fund: and I hope, Sir, that it will be after I have been able to take the House into our confidence in the matter.

Now, Sir, Mr. Scott-Kerr referred to the Fatka market and said that all the sections of trade have asked that it should be abolished, but I can assure Mr. Scott-Kerr that it is not so. All sections of the

trade have not made this demand. He says that this is merely a speculative market. It is not wholly so. Mr. Scott-Kerr knows that there are many genuine businessmen who sell their jute to him who hedge in the Fatka market. A Futures market is absolutely necessary for trade and business. Further, a Futures market is expected to take a long view of prices and prevent depression according to the whims of the purchasers. Otherwise, if the mills keep away from the market for any length of time, the price may slide down even though there may be a shortage of jute. This is rectified by a Futures market. Sir, nobody denies that the Fatka market has many evils and that it is for us to put in on a proper footing and to see that it serves the purpose for which it is intended, namely, as a hedge market. It is for that purpose that the position is being examined and I hope, Sir, that we shall be able to investigate into it satisfactorily so that the evils with which it is beset may disappear. Sir, he has further asked whether Government is prepared to give consideration to any scheme that may be put forward for taxation of the Fatka market. Sir, I shall welcome such a scheme. Already I am on the look-out for money from all possible sources, as I would like to increase the resources of the Government of Bengal. I shall, therefore, be most happy to give consideration to any scheme. Only this much I shall have to see that here too, as Mr. Scott-Kerr pointed out in another connection, I do not take such steps as may kill the goose that lays the golden eggs.

Then, Sir, Khan Bahadur Saiyed Muazzamuddin Hosain has directed our attention once more to the difficulties of agricultural labour. This is a matter which I am considering. A new problem has arisen the magnitude of which must be very large and we have to see how best to meet and improve the situation. The problem will not always be so serious as at present, as regulation will not be so drastic every year.

Sir, I do not think it is necessary to issue a *communiqué*, as suggested by Khan Bahadur M. Shamsuzzoha, regarding the steps which Government propose to take, namely, warehousing or standardizing or assorting of jute or bringing the jute-growers into association with each other or giving them advances and increasing their holding power. I speak on behalf of Government and on the basis of what I have said I am demanding your support and that is a sufficient *communiqué* for the public. It is not the jute-grower who will worry about this two annas. He is not going to find out whether this two annas is going to touch his or Mr. Scott-Kerr's pocket. It is unfortunately the man in the middle who is disposed to try to find flaws here and there who is more worried about it than the jute-grower. Mr. Humayun Kabir said that if by our action we really can secure to the jute-grower a better price, then he would agree. I am sure that I shall be able to demonstrate by acts that this tax will stand justified.

Before I sit down I wish to assure the House that this tax will not to any considerable extent fall upon the jute-grower, and they can safely agree to its imposition.

Mr. PRESIDENT: The question before the House is: that the Bengal Raw Jute Taxation Bill, 1941, be taken into consideration.

(The motion was agreed to.)

The House stands adjourned till 2-15 p.m. to-morrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 5th September, 1941.

Members absent.

The following members were absent from the meeting held on the 4th September, 1941 : —

(1) Khan Bahadur Nazıruddin Ahmad.
(2) Mr. Kader Baksh.
(3) Rai Bahadur K. C. Banerjee.
(4) Mr. Shrish Chandra Chakraverti.
(5) Mr. Narendra Chandra Datta.
(6) Mr. Kamini Kumar Dutta.
(7) Khan Bahadur Alhadj Khwaja Muhammad Esmail.
(8) Mr. R. W. N. Ferguson.
(9) Mr. K. L. Goswami.
(10) Mr. Mohamed Hossain.
(11) Khan Bahadur Syed Muhammad Ghaziul Huq.
(12) Khan Bahadur M. Abdul Karim.
(13) Maulana Muhammad Akram Khan.
(14) Dr. Radha Kumud Mookerjee.
(15) Mr. Ranajit Pal Chowdhury.
(16) Mr. J. B. Ross.

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THE BENGAL LEGISLATIVE COUNCIL DEBATES

Second Session—No. 22.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 5th September, 1941, at 2-15 p.m. being the twenty-second day of the Second Session, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Mr. PRESIDENT: The answer to question No. 73 stands in the name of the Hon'ble Khwaja Sir Nazimuddin.

Mr. MESBAHUDDIN AHMED: Sir, the Hon'ble the Home Minister is on his way and will be here in about five minutes. So this question may be left over for five minutes.

Mr. PRESIDENT: I had no previous intimation that the Hon'ble the Home Minister will be absent to-day. It becomes very inconvenient, as I have said repeatedly, if the Hon'ble Ministers do not inform the Chair beforehand. Moreover, most of the questions put down in the list for being answered to-day relate to the Home Department.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I quite appreciate the difficulty. It is really unfortunate that Sir Nazimuddin has not yet been able to be present here.

(At this stage the Hon'ble Khwaja Sir Nazimuddin entered the Chamber.)

(Question No. 73 was then taken up.)

Order of Externment on Mr. Prafulla Kumar Roy and Mr. Deb Kumar Cupta.

73. Rai Bahadur MANMATHA NATH BOSE (on behalf of Mr. Humayun Kabir): (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state if his attention has been drawn

to the case of Mr. Prafulla Kumar Roy and Mr. Deb Kumar Gupta, Editor and Manager, respectively of the Bengali monthly paper *Agranee* published from 7-B, Jugipara Bye Lane?

(*b*) Is he aware that these two gentlemen were permanent residents of Calcutta and maintained themselves and their families by doing publication business of books and periodicals?

(*c*) Is it a fact that they were suddenly externed from Calcutta without any previous warning or notice?

(*d*) Is it a fact that they were arrested at Muttra under section 129 of the Defence of India Rules while they were engaged in touring in connection with their publication business?

(*e*) Were they arrested at the instance of the Government of Bengal?

(*f*) Have their movements been further restricted since their arrival in Bengal?

(*g*) Do the Government of Bengal propose to relax the restraint order on them to permit them to carry on their business and maintain themselves?

(*h*) If the answer to part (*g*) is in the negative, do the Government propose to pay them a subsistence allowance for the maintenance of their families?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes.

(*b*) They were residing in Calcutta when the externment orders were passed. They were reported to be joint publisher of the *Agrani* Magazine and joint proprietor of a publishing firm.

(*c*) No warning was given. They were given 48 hours to comply with the order of externment.

(*d*) They were arrested at Muttra by the United Provinces Government for their subversive activities.

(*e*) No.

(*f*) Yes, they have been restricted to the Province of Bengal.

(*g*) They will not be permitted to come to Calcutta or the industrial areas but there is no bar to their carrying on their business elsewhere.

(*h*) For the present there appears to be no justification for giving them a family allowance.

Appointments in the lower division clerical establishment of the High Court.

75. Rai Bahadur MANMATHA NATH BOSE: Will the Hon'ble Minister in charge of the Judicial Department be pleased to state—

(*a*) if it is a fact that in filling up vacancies in the lower division clerical establishment of the Hon'ble High Court the following rules are observed—

(*i*) the candidates must pass the I.A. Examination,

(*ii*) they must pass shorthand and typewriting test at a speed of 120 and 30 words per minute respectively held by the Hon'ble High Court, and

(*iii*) they must pass in General subject; e.g., essay writing, arithmetic, etc.;

(*b*) if so, why the clerks of the Civil Courts, subordinate to the High Court possessing the qualifications as mentioned in parts (*a*) (*i*) and (*ii*) are not recruited to the High Court when they entered the Civil Courts after duly passing in General subjects at a competitive test examination under Civil Rules and Orders of the High Court;

(*c*) whether the Government propose to give them the first chance by direct recruitment to the High Court from the Civil Courts, instead of absorbing them in future vacancies in the Civil Courts; and

(*d*) if not, what is the reason for ignoring the claims of the qualified clerks who are working in the Civil Courts since the introduction of the new Civil Rules and Orders of the High Court in 1935?

MINISTER in charge of the JUDICIAL DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) The following information is supplied by the courtesy of the Hon'ble High Court:—

(*i*) The minimum academical qualification insisted upon by the Court is the passing of Intermediate Examination or an examination equivalent thereto of a University.

(*ii*) No such condition has been laid down by the Court.

(*iii*) Recruitment to the lower division grade of the High Court is now made through the Public Service Commission, Bengal, and candidates are to qualify in subjects prescribed by the Commission.

(*b*) Standard of qualification for recruitment to the clerical establishment of the High Court and that of the Civil Courts are not the same.

(*c*) Appointments to the clerical establishment of the High Court rest with the Hon'ble the Chief Justice. In view of what has been stated in (*b*) above, Government are unable to recommend the proposal for the consideration of the Hon'ble Court.

(*d*) Does not arise.

Police officers employed in Dacca in connection with the communal disturbances.

77. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) the number of Hindu and Muslim police officers now employed in Dacca town in connection with the communal disturbances; and

(*b*) the number of Hindu and Muslim police officers now employed in Raipore thana of Dacca district in connection with communal disturbances there?

The Hon'ble Khwaja Sir NAZIMUDDIN: A statement is laid on the Table.

Statement referred to in reply to question No. 77, showing the number of Hindu and Muslim Officers employed in the Dacca disturbances.

	Superintendent of Police including Additional Superintendent of Police.	Assistant Superintendents of Police.	Deputy Superintendents of Police.	Inspectors.	Sub-Inspectors.		Assistant Sub-Inspectors or Head Constables.		Remarks.
					Armed.	Unarmed.	Armed.	Unarmed.	
Dacca Town.									
Hindu ..	3	..	2	7	3	27	50	45	
Muslim ..	1	1	1	2	1	22	23	27	
Narsingdi Circle (Raipura and Shibpur).									
Hindu ..	(*a*)1	..	..	1	1	14	11	5	(*a*) Mr. U. Mukherjee, Additional Superintendent of Police (District) was also shown in the force statement employed in Dacca City.
Muslim ..	..	1	1	1	3	11	5	4	

Cases of burglaries and theft in Midnapore.

78. Rai Bahadur MANMATHA NATH BOSE: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state if he is aware that there have, of late, been several daring cases of burglaries and thefts in the houses of respectable persons and high officials in the towns of Midnapore and Khargpore? If so, what actions have been and are being taken by the police to detect the offenders and to prevent the recurrence of the crimes?

(*b*) Is it a fact that in no case (excepting those where the offenders were caught by the house-holders) up till now has the crime been detected?

(*c*) Is this due to the shortage of police officers and constables in the thanas of Midnapore and Khargpore? If so, what steps are being taken to meet the situation? Is there any other cause for this?

(*d*) Is it a fact that there has, of late, been an influx of *goondas* and burglars in the towns of Khargpore and Midnapore? If so, what vigilance the police are keeping on those persons?

(*e*) What is the number of cases (burglaries and thefts) reported in Midnapore and Khargpore thanas in each of the months from October, 1940, to May, 1941?

(*f*) Will the Hon'ble Minister be pleased to lay on the Table a statement from January, 1940, to May, 1941, showing—

(*i*) the number of dacoities and thefts reported to have been committed in each thana in the district of Midnapore;

(*ii*) the number of cases in which the prosecutions were successful and ended in convictions;

(*iii*) the number of cases pending in Court;

(*iv*) the number of cases pending investigation; and

(*v*) the number of cases not sent up by the police for trial?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) There were four such cases in the town of Midnapore, but no such case at Kharagpur.

(*b*) No.

(*c*) Does not arise.

(*d*) Yes. One externed *goonda* came to Midnapore town, while eight came to Kharagpur from Calcutta in the last 5 months. Seven have since disappeared. The remaining two are under watch.

(*e*) A statement is laid on the Table. It is presumed that Kharagpur town police-station is meant.

(*f*) A statement is laid on the Table.

Statement referred to in reply to clause (e) of question No. 78, showing cases of burglaries and thefts from October, 1940, to May, 1941.

MIDNAPORE TOWN.

Month.	Burglary.	Theft.
October	9	8
November	7	12
December	9	16
January	15	9
February	8	7
March	12	8
April	11	10
May	12	11

KHARAGPUR TOWN.

October	7	18
November	5	21
December	8	14
January	11	19
February	6	19
March	3	15
April	16	26
May	4	31

Statement referred to in reply to clause (f) of question No. 78, showing dacoities and thefts from January, 1940, to May, 1941.

Serial No.	Name of police-station.	Number of cases reported.		Number of cases convicted.		Number of cases pending in Court.		Number of cases pending investigation.		Number of cases not sent up by the police for trial.	
		Dacoity.	Theft.	Dacoity.	Theft.	Dacoity.	Theft.	Dacoity.	Theft.	Dacoity.	Theft.
1	Kotwali ..	7	163	..	30	..	11	1	2	6	97
2	Garhbeta ..	11	24	..	4	..	..	1	..	10	20
3	Keshpur ..	5	15	1	3	4	1	..	..	4	11
4	Salboni ..	5	21	1	1	..	..	..	..	4	18
5	Debara ..	3	31	..	7	..	1	..	..	3	23
6	Kharagpur Town	..	311	..	64	..	12	..	..	..	169
7	Kharagpur ..	5	53	..	6	..	3	..	..	5	26
8	Dantan ..	7	47	..	5	..	1	..	..	7	26
9	Sabong ..	1	8	..	..	..	..	..	..	1	4
10	Pingla ..	2	23	..	3	..	..	1	..	1	14
11	Narayangarh ..	2	35	..	7	..	..	..	..	2	13
12	Keshiari ..	5	38	..	8	..	1	2	..	2	23
13	Mohanpur ..	..	11	..	3	..	..	..	..	..	4
14	Ghatal ..	3	37	..	11	..	1	2	..	1	19
15	Chandrakona ..	4	10	..	1	..	..	..	..	4	8
16	Daspur ..	4	30	..	7	..	..	1	..	2	21

Serial No.	Name of police-station.	Number of cases reported.		Number of cases convicted.		Number of cases pending in Court.		Number of cases pending investigation.		Number of cases not sent up by the police for trial.	
		Dacoity.	Theft.	Dacoity.	Theft.	Dacoity.	Theft.	Dacoity.	Theft.	Dacoity.	Theft.
17	Tamluk ..	3	37	1	12	..	2	..	..	2	12
18	Panskura ..	7	37	4	15	..	3	..	..	3	19
19	Moyna ..	1	12	..	3	..	..	..	..	..	9
20	Mahisadal ..	1	44	..	18	..	2	..	1	1	23
21	Sutahata ..	5	28	..	10	1	2	..	1	3	15
22	Nandigram	3	15	..	2	..	1	..	1	3	3
23	Contai ..	1	212	..	29	..	1	..	..	1	178
24	Khejri ..	2	33	2	6	..	1	..	..	..	25
25	Egra ..	..	79	..	12	..	..	..	..	..	66
26	Ramnagar ..	..	63	..	8	..	..	..	..	..	55
27	Bhagwanpur ..	4	75	..	11	2	1	..	..	2	62
28	Patashpur ..	2	82	..	21	..	1	..	..	3	58
29	Jhargram ..	4	74	..	14	..	..	..	..	4	56
30	Binpur ..	1	41	..	1	..	1	..	..	1	27
31	Gopiballavpur ..	1	53	..	8	..	..	..	..	1	44
32	Jambani ..	..	29	..	10	..	..	..	..	..	18
33	Nayagram ..	..	17	..	3	..	..	..	..	..	14

Rai Bahadur MANMATHA NATH BOSE: Sir, the last part of my question (*a*) has not been answered, namely—"If so, what action has been and will be taken," etc.

The Hon'ble Khwaja Sir NAZIMUDDIN: There were no cases in Kharagpur and so far as Midnapore is concerned, there were only four cases. There was no abnormal increase therefore.

Rai Bahadur MANMATHA NATH BOSE: What is understood by the word "No" in answer (*b*)? Is it the case that there is no crime or that the crimes have been detected?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir. It means that there have been cases where people have been detected other than those caught by the householders.

Rai Bahadur MANMATHA NATH BOSE: So far as question (*c*) is concerned, may I enquire as to why "it does not arise" in view of the fact that there are cases and there have been no detections?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not admit that there has been no detection. There may be a certain number of cases in which there has been no detection, but that is so with regard to the whole of Bengal.

The Bengal Suppression of Immoral Traffic Act, 1933.

79. Khan Bahadur NAZIRUDDIN AHMAD: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) whether any rules have been made under the provisions of section 27 of the Bengal Suppression of Immoral Traffic Act, 1933 (Act VI of 1933);

(*b*) if so, where have they been published; and

(*c*) if not, whether he considers it expedient to frame the rules?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes, rules have been framed by the Judicial, Police and the Education Departments.

(*b*) The rules have been published in the *Calcutta Gazette*—those framed by the Judicial Department are given on page 823 of Part I of the *Calcutta Gazette*, dated the 14th June, 1934, while those framed by the Police Department are given on page 865 of Part I of the *Gazette*, dated the 21st June, 1934. The rules framed by the Education Department are given on pages 1508-10 of Part I of the *Calcutta Gazette*, dated the 8th August, 1935, and on page 1487 of Part I of the *Calcutta Gazette*, dated the 16th May, 1940.

(*c*) Does not arise.

Khan Bahadur NAZIRUDDIN AHMAD: Will the Hon'ble Minister be pleased to state if these rules have been separately printed and are they available for sale to the public?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Presentation of the Report of the Select Committee on the Bengal Local Self-Government Bill, 1941.

Khan Bahadur ATAUR RAHMAN: Sir, with your permission, I beg to present the Report of the Select Committee on the Bengal Local Self-Government Bill.

Sir, may I request that this Bill be taken up for consideration on the next date for non-official business, that is to say, on Friday, the 12th September, 1941?

Mr. PRESIDENT: Is there any objection to the Bill being taken into consideration on Friday next?

(There was no objection.)

Mr. PRESIDENT: The Bill will be taken up for consideration on Friday next.

NON-OFFICIAL BILL.

The Bengal Food Adulteration (Amendment) Bill, 1941.

Mr. NUR AHMED: I beg to move that the Bengal Food Adulteration (Amendment) Bill, 1941, be referred to a Select Committee consisting of—

(1) the Hon'ble Nawab Khwaja Habibullah Bahadur, Minister in charge of the Public Health and Local Self-Government Department,

(2) Mr. Bankim Chandra Dutta,

(3) Rai Bahadur Brojendra Mohan Maitra,

(4) Khan Bahadur Saiyed Muazzamuddin Hosain,

(5) Khan Bahadur Naziruddin Ahmad,

(6) Khan Sahib Abdul Hamid Chowdhury,

(7) Mr. W. B. G. Laidlaw,

(8) Rai Bahadur Manmatha Nath Bose,

(9) Rai Sahib Jogendra Nath Roy, and

(10) the mover,

with instructions to submit their report by the 31st January, 1942, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Sir, this is a most important Bill and it deals with a subject which is very important from the public health point of view. The Food Adulteration Act was passed in 1919. It is in operation for more than 20 years and during this period some loopholes have been found in the Act. It deals with a matter which is very important from the point of view of public health. Supply of pure food is essential for the preservation of health, and it is a known fact that the percentage of adulteration in Bengal is on the increase; many diseases are attributable to the taking of adulterated foodstuff. The health of the people of Bengal has already greatly deteriorated. There was a time when Bengal was the glory of India. At the beginning of the 18th century the people of Bengal possessed very good physique and they were foremost in the rank of warriors. Now we find, Sir, that they have lost that strength and vigour and to-day the picture of a Bengalee is most deplorable from the physical point of view. They have been thought unfit till very recently for serving in the Indian Army. This disability is mainly due to the adulteration of foodstuffs. There are many loopholes in the existing Act and taking advantage of these loopholes most of the offenders escape punishment. Sometimes it is found that the offender gives wrong address and false name. It has been our experience that when a case is instituted it is very difficult to detect the man reported against. So, on most occasions these cases fail. In order to avoid such failure of prosecutions necessary provision has been made in this Bill. As regards selling of articles there are traders who have discovered an ingenious way of avoiding punishment. They sell adulterated milk and mustard oil as mixed mustard oil and mixed milk. To counteract that, there is a provision in this amending Bill and there are other necessary amendments which will make the Bill more beneficial for the people for whom it is made. Sir, I think this Bill should be referred to a Select Committee. With these few words, I appeal to the House to accept my motion.

Mr. PRESIDENT: Motion moved: that the Bengal Food Adulteration (Amendment) Bill, 1941, be referred to a Select Committee consisting of—

(1) the Hon'ble Nawab Khwaja Habibullah Bahadur, Minister in charge of the Public Health and Local Self-Government Department,

(2) Mr. Bankim Chandra Dutta,

(3) Rai Bahadur Brojendra Mohan Maitra,

(4) Khan Bahadur Saiyed Muazzamuddin Hosain,

(5) Khan Bahadur Naziruddin Ahmad,

(6) Khan Sahib Abdul Hamid Chowdhury,

(7) Mr. W. B. G. Laidlaw,

(8) Rai Bahadur Manmatha Nath Bose,

(9) Rai Sahib Jogendra Nath Roy, and

(10) the mover, Mr. Nur Ahmed,

with instructions to submit their report by the 31st January, 1942, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support this motion. As has been pointed out by the honourable mover himself, food adulteration has caused considerable anxiety to those who want to improve the public health in this province. The more the law has been tightened, the greater the loopholes that have been found. In fact, we are getting adulterated food at a greater cost. The increased cost is due to various factors. There is the inspecting staff; there is the detecting staff, information staff and so forth. Somehow or other, these intermediaries have got to be satisfied and the result is that the cost of satisfying all these vigilance officers is now added to that of the rotten goods; and thus the adulterated food which was originally being sold very cheap is now selling at a higher cost. Sir, the position is absolutely hopeless and there is corruption from top to bottom. In fact, corruption is the rule of the day in many cases and this is no exception. I know from personal experience in my own town of Burdwan that adulterated oils are sold with impunity in the town and yet when these are taken outside the town and attempted to be sold in the villages, these very oils are detected and the persons selling them are convicted. The moral of this is: that adulteration is going on with the connivance of many interested parties. Now, in these circumstances, the law has got to be amended and vigorous executive action has got to be taken. It is not by framing rules and by passing resolutions alone that we can improve this state of affairs. It is necessary that the rule should be tightened, executive action should be tightened and from top to bottom corruption should be stamped out. In these circumstances, I beg to support the motion in the hope that this might help in improving the state of affairs.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the Government fully appreciate the necessity of a more comprehensive legislation for pure food supply. In fact, Government did introduce a Bill in another place in the monsoon session of last year and referred the same

to a Select Committee. The Select Committee has not yet been able to finish consideration of that Bill. That Bill is a very comprehensive measure and includes the provisions of the Bill which my friend Mr. Nur Ahmed proposes to refer to Select Committee. Since Government have already taken up the question, I personally feel that there is no necessity for a separate legislation on the same subject. Moreover, the Government Bill not only covers the points which are included in Mr. Nur Ahmed's Bill, but in fact it is based on the latest legislation on this subject in Great Britain and in India. So, I would request the honourable mover to withdraw his motion.

Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister let us know why the Select Committee referred to by him has not yet been able to finish their report. It was introduced in the last monsoon session. After that we had two sessions of the Council and the Assembly. This is a very urgent matter. The whole country is suffering on account of the consumption of adulterated food. As my friend Khan Bahadur Nazir-uddin Ahmad has said, the real culprits who produce adulterated food are the wholesale merchants, but they escape the punishment while the poor retail-sellers in the mofussil are convicted. Why has not the Government taken keener interest in placing this Bill on the Statute Book?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I think it is for the Select Committee to say why the matter is being delayed. Government cannot reply to that question.

Khan Bahadur NAZIRUDDIN AHMAD: On a point of information, Sir. Have all the materials been placed at the hands of the Select Committee?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I believe so. Government must have done their duty. They never fail to do their duty.

Khan Bahadur NAZIRUDDIN AHMAD: That is an expression of opinion.

Mr. PRESIDENT: Order, order. Mr. Nur Ahmed.

Mr. NUR AHMED: Sir, in view of the statement made by the Hon'ble the Leader of the House that the Government have already referred a similar Bill to a Select Committee in another place, I beg leave of the House to withdraw my motion for reference of this Bill to a Select Committee.

Mr. PRESIDENT: Is it the pleasure of the House to permit Mr. Nur Ahmed to withdraw his motion?

(The motion was, by leave of the House, withdrawn.)

Mr. PRESIDENT: The House will now take up non-official motions.

NON-OFFICIAL MOTIONS.

Mr. LALIT CHANDRA DAS: Sir, I beg to move that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency to convey to the Government of India and the appropriate authorities that expenses in the nature of the Defence of India, including all costs of Air Raid Precautionary measures, should not be charged on the revenues of the province but should be borne entirely by the Government of India.

Sir, air raids on principal cities in India are no longer unlikely, but very possible now. Regard being had to the progress of the war, it appears that Japan has massed her army on Thailand border and if Russia goes down, the menace to India will be very real. We have heard from the speeches of the Hon'ble the Home Minister that so far as air raids are concerned, they are not only possible but very probable. That was his language. I need not dilate on the necessity of air raid precautionary measures being adopted so far as Bengal is concerned. So far as that is concerned, there cannot be any two opinions. Arrangements are being made to protect the industrial areas of North and South Calcutta which I think cover nearly 16 miles. The only point now to be considered is with regard to the cost. Who is to bear the cost? Sir, so far as the Defence of India is concerned, it is clearly a subject-matter for the Government of India and not for the Provincial Governments. If we turn to the Seventh Schedule of the Government of India Act, List No. 1, containing the Federal Legislative List, it will appear that items Nos. 1 and 2 point to this power with regard to legislation. It refers to His Majesty's naval, military and air forces borne on the Indian establishment and any other armed force raised in India by the Crown, etc. Part X of Chapter I of the Government of India Act lays down the provisions for the Defence Services. I would refer to sections 237 and 238 of the Government of India Act. In section 237 it has been laid down that "any sums payable out of the revenues of the Federation in respect of pay, allowance, pensions or other sums payable to, or in respect of persons, who are serving, or have served, in His Majesty's Forces shall be charged on those revenues, but nothing herein contained shall be construed as limiting the interpretation of the general provisions of the Act"—and these words are most important,

Sir—"shall be construed as limiting the interpretation of the general provisions of this Act charging on the said revenues expenditure with respect to defence." This is more clear in section 238 which runs as follows: "The provisions of the three last preceding sections shall apply in relation to persons who, not being members of His Majesty's Forces, hold, or have held, posts in India connected with the equipment or administration of those Forces or otherwise connected with defence, as they apply in relation to persons who are, or have been, members of those Forces." Sir, the general provisions of the Government of India Act, 1935, have clearly laid down that so far as the question of defence is concerned, all expenditure must be borne out of the revenues of the Federal Government and so far as the Ninth Schedule to the Government of India Act is concerned, there also it is clearly laid down—although the Federation has not yet been established —"the provisions of the Government of India Act should be continued in force with amendments until the establishment of the Federation." I submit, Sir, that so far as air raid precaution measures are concerned, they are clearly defence measures and being defence measures, all expenditure in connection with air raid precautionary measures should be borne by the Government of India. There are other works in the nature of defence of India whose expenditure I think the Government of India should equally bear—I mean, of course, the sinking of tube-wells which are now being made throughout Calcutta. This step has been adopted as a measure of precaution against air raids destroying the existing water-works. If the existing water-supply is destroyed or cut off, what should happen in the city and, therefore, as a measure of defence it has been decided that several tube-wells must be sunk within the city and for this purpose lakhs of rupees have been already spent, or are going to be spent. The question is, who should bear the cost? Should it be the Government of Bengal, the Calcutta Corporation or the Government of India? I respectfully submit that with regard to these precautionary methods as well as with regard to the sinking of the tube-wells, the expenditure should be borne by the Government of India. There is another service that I would like to refer to, viz., the institution of the civic guards, which have been brought into existence in response to a speech that was delivered by His Excellency the Viceroy, and it has been adopted as an all-India measure. These civic guards have been primarily intended to maintain peace and tranquillity within the province and their services are of a semi-military character. Now, Sir, these civic guards would not have been brought into existence but for the necessity due to war. The other day a certain question was put by my friend Mr. Birendra Kishore Roy Chowdhury and to that, answer was given by the Hon'ble Home Minister. It appears from that that several thousands of rupees have been spent on civic guards from the provincial revenues. To my mind, this expenditure should be borne by the Government of India. My present motion has in it words

by which it is meant that expenses in connection with the measures taken for the defence of India should be borne by the Government of India. How far these tube-wells or the institution of civic guards come within the purview of the Defence of India is a matter which is to be decided by the Provincial Government in consultation with the Government of India. But to my mind it seems these are measures which have been adopted for the successful prosecution of the War and for the defence of India and as such this expenditure should also be borne by the Government of India. But so far as air raid precautions are concerned, I think there can be no two opinions that it is entirely a defence matter and the expenditure in that connection should be borne by the Government of India in its entirety. After all, the revenue at our disposal is very limited and although the actual collection of revenue in the province of Bengal is over 30 crores, I make bold to say that a large portion of this goes to the coffer of the Government of India. This province is left only with Rs. 13 crores or 14 crores and with that we are asked to meet all our expenditure of running of the administration and also of meeting all the demands of the nation-building departments. Now, Sir, if all these expenses or works which are in the nature of defence of India are borne by the Provincial Government, I am quite certain that it would be very difficult to run the ordinary administrative work of the province, not to speak of meeting the expenses of the nation-building activities. We will suffer also from taxation measures with objects ostensibly different.

Sir, with these words, I commend my motion to the acceptance of the House.

Mr. PRESIDENT: Motion moved: that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency to convey to the Government of India and the appropriate authorities that expenses in the nature of the defence of India, including all cost of air raid precautionary measures, should not be charged on the revenues of the province but should be borne entirely by the Government of India.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I rise to support whole-heartedly the motion of my friend Mr. Lalit Chandra Das. The reason for this is not that Bengal should not contribute towards the war and bear her share for the successful prosecution of war, but that Bengal has been very much hit by the Central Government as a result of the Meston Award. Bengal has been so badly hit in the matter of the allotment from the Centre that it has become impossible for the Government of Bengal even to carry on the ordinary administrative work not to speak of the improvement of the condition

of the people and the amelioration of the lot of the masses. Our nation-building departments are being starved for want of money because we have been badly treated by the Centre. Bengal's revenue amounts to Rs. 30 crores, but it gets as her share from the Central Government Rs. 11 crores or Rs. 12 crores, and in order to carry on the ordinary measures of improvement Bengal has already adopted many taxation measures. Recently we have had three taxation measures. Such as the Bengal Sales Tax, the Bengal Finance Tax, and we are now having the Bengal Raw Jute Taxation and some more will be coming in, such as the Agricultural Income-tax and so on. So Bengal is already starving and it is impossible for Bengal to save any money out of its revenues for contributing towards the war, although we would very much like her to contribute her mite, if it could afford from its resources. Sir, it is only meet and proper that the Government of India which has treated the Government of Bengal so badly in the past should contribute the whole cost for the defence of Bengal from its own purse as the first instalment of their goodwill towards Bengal.

With these words, Sir, I whole-heartedly support this motion.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, so far as the merit of the subject is concerned, I support Mr. Lalit Chandra Das but, Sir, I have not been able to bring myself round to his idea that this House should be presenting address after address to the Governor. It does not do any good to us and I do not think it is doing any good to the Governor himself. All matters which legitimately fall within the province of the Provincial Government and which they can represent to the Central Government should be left to them and any request which we may wish to make should ordinarily be to the Government and not to the Governor. We are unnecessarily bringing in the Governor into the picture and endowing him with powers which he does not possess under the Constitution. It is not to our interest, nor is it helpful to our constitutional development and as such why in such matters should we expect the Governor to exercise his discretion? If the honourable members are anxious to present such addresses, then every mover should be asked to provide the Council Department with a silver casket so that some benefit might accrue to the Governor himself out of these motions.

So far as the merit of the resolution is concerned, as I have said before, I am in entire agreement with my friend Mr. Das. It is a fact that air raid precaution is an important feature of the present war which cannot through any stretch of imagination be said to be not a defence measure and if it is for the purpose of defence then the Government of India having appropriated and reserved all the important sources of taxation as far as they could visualise under the Government of India Act, must be presumed to have

taken upon itself that duty. They have left barely enough for us by which we can pay for the cost of the administrative machinery and carry on our Government without any scope being left for the building of our own nation. Our provincial revenue is not sufficient for the bare maintenance of our administrative machinery. Therefore, in these circumstances our Government cannot yield to the pressure of the Government of India to contribute a share of 50 per cent. or on any other basis towards an expenditure which concerns the Centre alone and not the province. Therefore, so far as the merit of the resolution is concerned, I agree that the Government of India should pay the province for the air raid precautionary measures that may be undertaken for the protection of the lives and properties of the civilian population.

Mr. W. B. C. LAIDLAW: Mr. President, Sir, this question is largely one of expedient. The A. R. P. Manuals stress the fact that while total protection to the individual is not possible, a very high percentage of immunity can be gained by measures which only the individual himself can take. I will not elaborate on the actual precautions which one must take if caught in the open. Slightly more elaborate are precautions which communities of householders must take when a raid is reported to be imminent. When news of a possible attack is received, the city will arrange for the sounding of sirens and the diversion of public services to possible needs. The notice of attack on which the individual must act may be very short. The sirens may give the householder a little longer notice to collect the necessaries of life and proceed to the shelter. It is the duty of the civic authorities to have everything in readiness beforehand and higher in the pyramid what we may call passive defence is the concern of the Provincial Government. Just as the individuals at the base of the pyramid must act promptly when they hear the whistle of a bomb, so the authorities higher up the pyramid must act likewise within the time limit which they judge to be available. This has a direct bearing on the division of expenditure. The principal requisite is that precautions be taken in hand at once and the precautions which the Provincial Government can take are to a great extent in the nature of adaptations of existing facilities. Recognising this, it is our duty not to embarrass the Provincial Government with a veto on expenditure from provincial revenues, but rather to support them in their efforts.

The Central Government at the apex of the defence pyramid have as their primary duty the provision of active defence measures, as distinct from the passive measures covered by A. R. P. The less individuals, cities, provinces demand from the Centre for passive protection the more they can help themselves, the greater will be the resources left to the Centre to provide active defence. Our first demand should be not that we shelve our responsibilities, but that we shoulder

them and I would like to see the Calcutta Corporation accepting a proportion of the expense. In particular, we want active measures to be taken at once for the protection of the essential services. A formula, we understand, has been agreed upon resulting in the province taking a share, but the division of expenditure is largely a matter of expedient. The primary requirement is that we have the fullest measure of protection. I therefore, Sir, must oppose the motion.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support the motion. While doing so, I must submit that the limit or rather the border line between what is to be done by the Centre and what is to be done by the province is laid down in the Government of India Act itself. It is in List I Seventh Schedule. In item I, the expenses of all forces belong to the Centre. In item II, naval, military and air forces belong to the Centre and other things, which are not clearly mentioned, belong to the provinces. It is certainly true that the primary duty with regard to the military, naval and air forces must rest with the Central Government, but the responsibilities of the Provincial Government in this matter as well as of the individuals, as has been pointed out by Mr. Laidlaw, cannot be ignored. It will depend on a clear interpretation of the Constitution and also many other practical considerations. The province or the individuals cannot shake off their resposibility entirely in the matter. Supposing, we agree that it is the duty of the Government to preserve public health. If we assume that, then does it absolve individuals from taking precautionary measure with regard to health or calling in doctors and adopting other measures? The line is to be drawn with considerable practical sense and the responsibilities of the province and responsibilities of the public bodies cannot be entirely ignored in the matter.

Now, as to the other considerations,—that Bengal is a very heavily taxed province, Bengal supplies a large amount of revenue to the Government of India, it has suffered much on account of the Niemeyer Award, Bengal has all along been taxed to the utmost, well, all these are well-known. For these reasons, the finances of Bengal are in a precarious condition. In these circumstances, in choosing the border line some attention should be paid to this aspect of the case too. Now, Sir, with regard to the cost of the civic guards, I am inclined to think that it should rather be largely met by the provinces.

Mr. PRESIDENT: Order, order. May I draw the honourable member's attention to section 150(2) of the Government of India Act, which reads as follows:—"Subject, as aforesaid, the Federation or a Province may make grants for any purpose, notwithstanding that the purpose is not one with respect to which the Federal or the Provincial Legislature, as the case may be, may make laws." Schedule Seven to the Government of India Act, 1935, states on what subjects the Federal

Legislature or the Provincial Legislature can make laws; but sub-section (2) of section 150 of the Act makes it clear that it will not prevent either the Federation or a Province from paying money either out of the Federation or from the Provinces on such a matter——

Mr. HAMIDUL HUQ CHOWDHURY: Sir, the objection is not as regards the legality.

Mr. PRESIDENT: Order, order. I am only pointing out that it is permitted under the law.

Khan Bahadur NAZIRUDDIN AHMAD: I fully realise the force of all the authority that you have been good enough to quote, Sir.

Mr. PRESIDENT: What I say is that there is no bar to such contribution. But whether they should make such contribution or not is for the House to decide. What I have pointed out is that there is no constitutional bar against such contribution.

Khan Bahadur NAZIRUDDIN AHMAD: I submit with great respect, Sir, that it is a new as well as a most important point of view that had not occurred to me. I submit that if that is the case, then Bengal has a much better claim upon the Government of India for asking for some greater relief in this matter. As, for the reasons I have already submitted, Bengal has been suffering from want of finance for a long time, and the Government of India should therefore be asked to stretch a point, in view of the considerations just mentioned by you, Sir, in favour of the grant.

Then, Sir, with regard to the question that has been raised by my friend Mr. Hamidul Huq Chowdhury, that these Addresses to His Excellency the Governor of Bengal should not be encouraged, I do not quite agree with him. I believe that there are certain subjects which do not belong primarily to our sphere; they come within the sphere of the Central Government. And an Address is the only way to discuss such matters. We must have some means of appealing to the Central Government to do what we think they should do. The right of the House to express its opinion on such matters is absolutely distinct. It is apart from what the Provincial Government may or may not do. We have seen that on great public questions which have been considered by this House, the Provincial Government have taken a benign or complacent attitude of simply forwarding the proceedings of the debates to the Government of India without expressing any opinion. That being the policy of the Government of Bengal, it is all the more necessary for us to express ourselves now and then strongly, so that the views of this House may be sent to the Central Government for proper consideration. That duty and that right cannot be cast off by

this House. I submit that this is a very valuable right and but for this constitutional device, this House would have been left without any means of expressing its opinion or of saying anything on great public questions. A further reason is that the Government of Bengal write to the Government of India official letters the contents of which are not made public; they are not necessarily aware of the public sentiment. It is but meet and proper that the representatives of the people should air their grievances in this House and submit their views and it is in order to help and strengthen the hands as well as to instruct the mind of the Government that these debates take place. Such discussions undoubtedly throw considerable light upon public questions from various standpoints. In these circumstances, I submit that the method of presenting Addresses is a well-established constitutional procedure and a good procedure, and should not be discarded by the House. The fact that we have sent so many Addresses shows that the House is distinctly active and takes into account the things which have been happening outside the Council.

Mr. HAMIDUL HUQ CHOWDHURY: Many such petitions have been sent with no effect.

Khan Bahadur NAZIRUDDIN AHMAD: Assuming, as my honourable friend suggests, that all of them have not been granted, but that does not matter at all. It is an expression of public opinion—expression of opinion by the members of this House—representatives of the public and the constituencies—and an expression of their view is very important, and I believe that if it is well founded, if it is well reasoned, it cannot be ignored very long. I submit, Sir, whatever may be the effect, the House should never decline to exercise its rights and privileges in these matters. With these words, I submit that the motion has raised a very important question—important constitutional question—and, considering the past injustice and the present injustice done to Bengal, it should be carried by the House.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Sir, we are very grateful to the Khan Bahadur for bringing in this constitutional point; but I regret to say that he forgot that only the other day we fully criticised and discussed the policy of the Government of India and requested the Government to transmit our views. Then, Sir, I suppose the wording of this motion makes no difference as to our right to express our opinion on matters like this regarding what the Government of India is doing about apportionment of money to be spent for air raid precautionary measures. Secondly, Sir, there was a conference in Simla some time ago and in that joint conference of the Ministers of this province and other provincial Ministers, they discussed the question of the provincial share of expenditure to be

incurred in connection with air raid precautions and surely the Hon'ble Home Minister who represented Bengal must have consulted those people who are worth consulting as to what attitude he should take. If he had any doubt about it, he would have invited a provincial conference to get the legislators' advice. I am told that the Hon'ble Minister representing Bengal almost agreed at the Simla conference to a division of expenditure, and so far as I understand from reports and talks that he has agreed to bear 50 per cent. of the cost to be incurred in this connection for the safety of our province. The total expenditure will be Rs. 1 crore. Bengal's portion will be Rs. 50 lakhs. But it will take some time to spend this money. Whether the money comes from the Government of India or from the Government of Bengal, the fact remains that it has to come from the tax-payers. If the Government of India incurs heavy expenditure for the defence of India, it has to come from the tax-payers spread over all the provinces of India, in the shape of extra import or export duties on various commodities and extra income-tax. The Government of India have got the power to impose emergency taxes and we have got to bear the burden of expenditure for the safety of our life and property. Therefore, I do not think much good will be done by the expression of public opinion at a critical time like this except embarrassing the Government of India in a matter already decided and after action has been taken for the protection of our life and property. Sir, I oppose this motion.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: Mr. President, Sir, I rise to support the motion whole-heartedly and associate myself with the sentiments expressed by the honourable mover. Sir, at the beginning I must take up the question that has been raised by my honourable friend Mr. Hamidul Huq Chowdhury: He suggested that the Governor should not be included in the motion. I do not think that that is the proper way of looking at the matter. His Excellency the Governor being the head of the Government, I think it is necessary that he should be addressed, as the Governor includes the Ministers and the Government as a whole. So, by not including the Governor I do not think it would serve our purpose. Moreover, it has been the practice of this House for the last four years to address the Governor, and I think that is the right way of putting forward such motions.

Secondly, Sir, I admit, as has been pointed out by my honourable friend, Mr. Laidlaw, that it is the duty of individual citizens to protect themselves. So I admit, Sir, that to protect their own selves they should do whatever they can. But I think it is the duty, paramount duty of the Provincial Government to protect the people of the province. Air raid is uncommon in this country and the individual citizen has no idea about it. They have no personal experience of that. So it is the duty of the Provincial Government to take steps so

that the people of the province might be protected. He also pointed out that the Calcutta Corporation has contributed to some extent. I do not object to that. But what the mover urges is that the Provincial Government should not be made to contribute anything for this purpose and that the whole contribution should come from the Central Government. Of course, it is well and good that some corporate bodies and some other persons are contributing, but that is not the question here. What is wanted is that the whole amount should come, regarding air raid precautions and other things, from the Central Government. Sir, there is no doubt that the Military Department is under the Central Government and that the air raid precautions and all other measures connected with the war are for the defence of India. As such, the cost of these measures should go to add to the military expenditure. Sir, the military expenditure is borne by the Central Government and its revenues are supplemented by the revenues from postage, customs, income-tax, telegraphs, railways. Bengal has contributed a large amount of money towards these sources. So, Bengal has a better claim to say to the India Government that she has contributed so much money already and some amount therefrom should now be spent by them for the defence of Bengal. Sir, as you have already pointed out that the Government of India Act lays down that there is no bar for the Central Government to contribute to the Provincial Government or no bar to the Provincial Government to contribute to the Central Government. But the question is that in order to justify the cause of the Provincial Government, the Provincial Government should put their case to the Central Government and press on them to bear the entire expenditure. In the present case Bengal has a very, very good case. She has contributed a heavy sum to the Central Government for the purpose of military expenditure. It is well known that the provinces have agreed to pay taxes on matches, sugar and other things in order to meet this expenditure. So, there is no justification on the part of the Central Government to say now that they would not contribute anything towards the defence of Bengal. As a matter of fact, when they have already raised taxation in order to meet those expenses and when Bengal has a better claim because she is contributing a large amount than she is getting, namely, out of about 55 crores of rupees she is getting only 13 crores to meet all her expenditure—for the improvement of nation-building departments and other services. So, a large amount—more than about three times of the amount—has been paid to the Central Government. Bengal has thus better claim to ask the Central Government to contribute the whole amount.

The third point is about the air raid and other things. There may be some doubt as to whether civic guards belong to the Provincial Government or not. That I leave to the Provincial Government to discuss with the Central Government and to find out ways and means to take as much money as is possible from the Centre. If Bengal is

sought to be taxed again, she will collapse in no time under the burden of fresh taxation. So, I request the Government through you, Sir, that the amount may be wholly borne by the Centre.

There is another side of the question which has to be considered in this connection. Our province has been allotted a very inadequate amount for her normal needs and necessities. In such a view of the case, if our underfed and under-nourished province with a larger population than any other province is to be subjected to contributions for the upkeep of semi-military organisations and movements, woe will further betide our province's welfare and happiness. Besides, there is no justice in the present arrangement whereby movements and organisations which are, directly or indirectly, controlled by the Central Government authorities should be made to pay their way by the Provincial Exchequer. Sir, I support the motion.

Maulvi ABUL QUASEM: Sir, I rise to lend my support to the motion moved by my friend Mr. Lalit Chandra Das. His request is a perfectly reasonable one. The present war has upset all previous notions about warfare and also all previous calculations. The idea about previous warfare was that the war should be between soldiers and soldiers. There will be fighting only between soldiers on two sides placed in juxtaposition against each other. Now war is being carried on in cities and factories—I mean in the midst of ordinary civil population. Mr. Churchill the other day declared that the front line has now been shifted to cities and factories and in the industrial areas. So, Sir, the defence of the country has now got to be considered from the point of view of the defence of cities and industrial areas where factories are situated. This defence should be taken up by the Government of India. For it is their sphere and money has been ear-marked for the purpose. The defence of India means defence of the whole of India where there are cities and factories. Therefore, to expect that the Government of India should bear all the costs of providing air raid precautionary measures in Bengal is perfectly reasonable. So far as Bengal is concerned, it is well known, rather it is a notorious fact that Bengal has been most unfairly treated by the Government of India in the matter of the allocation of revenues. We have taxed ourselves to the utmost to meet our ordinary urgent needs. To expect the people of Bengal in addition now to find money for air raid precautions will not be fair. They have been placed in the present miserable circumstances for no fault of their own. The poor province of Bengal needs money. Bengal's finances are hard hit. As I have already said, we have taxed ourselves to the utmost to meet our ordinary urgent necessities. I therefore think, Sir, that the cost of defence measures on account of the present war should be borne by the Government of India. I wholeheartedly support the motion.

Mr. HUMAYUN KABIR: Sir, I wish to pursue a little further the point which has been so ably placed before the House just now by my honourable friend who spoke last. I also wish to support the motion and that on the grounds which he has advanced. I would, however, like to add to it certain other considerations which he might have in his mind but has not placed before the House.

It is true, Sir, that Bengal has been dealt with in an unfair manner so far as the financial arrangements between the Centre and the provinces are concerned. Bengal taxed herself most heavily in the whole of India. It is the most highly taxed province and the individual tax per capita is higher than any other province. The only comparable province is Bombay. It is on that account that the Niemeyer Award thought it necessary to give back some of the money which was unjustly appropriated by the Meston Award. Bengal has been suffering from financial stringency and that in spite of the fact that Bengal is not fundamentally or in essence a poor province. She is potentially a rich province, but she has been taxed out of her wealth in order to contribute to the defence and enrichment of other parts of the country. But, Sir, the injustice to Bengal is not only in respect of the financial award. This injustice also affects Bengal in other ways. Some of the other provinces also contribute in a direct manner to the defence of India but they get back some of their money. The money spent by the Government of India on the Army comes back to them in part in the shape of salaries and other emoluments that the soldiers recruited to the Army from those provinces receive. But, Sir, Bengal, by an artificial distinction which has labelled the Bengalee as a non-military people,—a distinction which has not been in existence for even a hundred years—by reason of an arbitrary and artificial distinction, the people of Bengal do not get anything out of the military budget which is framed by the Government of India every year. A large portion of this military budget is absorbed by the people of the Punjab. A very large proportion of the military contracts also goes to the nationals of these provinces. Bengal is thus robbed of her legitimate dues, if I may be allowed to use a harsh but justified expression. Bengal is deprived of her proper right to a share in the military expenditure of India. When, therefore, the funds are disbursed, Bengal is deliberately left out. Bengalees are neither recruited to the military service in the number to which their population and position in the defence system of India entitle them, nor do a sufficient number of military contracts come to Bengal to advance the economic prosperity of the country.

These are the two considerations which we must keep in mind when we discuss the defence measures. I would also underline the point which has been made by the honourable member who has just sat down. The defence system of a country to-day is no longer based merely on

an army which is juxtaposed against the army of the opposing country in some frontier outside its actual territorial limits. To-day the defence of a country is an all-inclusive affair. It involves the city, the municipal corporations, the factories and the industrial areas, and the defence system of the country must be organised from that point of view. Air-raid precautions are, therefore, a part of the defence system. We also find that the Government of India, which is in charge of the defence of India, has kept in its hands all avenues of income which allow of expansion and increase. The provinces have been allocated a certain special sphere of taxation, but they are generally spheres in which the prospect of expansion or development is very little. The amount under the control of the Government of Bengal, or for the matter of that, of any other Provincial Government in India, is derived from sources that are rigid and inelastic. Without fresh taxation—and even this Government cannot like to impose fresh taxes—a Provincial Government cannot hope to increase its income substantially. Therefore, the rigid limitations which have been set to the income of the provinces demand that the very meagre resources placed at their disposal should not be diverted to meeting any new demand, specially demands which are directly the concern of the Centre with its larger resources and expanding income.

Sir, I will now conclude by referring to the statement the Hon'ble the Finance Minister made while presenting the budget this year. He suggested, during the course of his budget speech, that the best way to help the present war was to improve the human material in Bengal. That holds even to-day, and the first task of the Provincial Government is to make the Bengalees better fitted to undertake the burden of the defence of the country and all other burdens that might be imposed on them for the welfare of the land. Provincial funds are however admittedly meagre and, also admittedly, are such as do not allow of expansion in the way in which the funds of the Government of India can be expanded. In view of these special circumstances, I think this resolution is one which very rightly deserves the support and has actually enjoyed the support of an overwhelming section of the House.

I understand from the honourable member who spoke on behalf of the European Group that their main objection to the resolution is that so far as the actual life-saving schemes are concerned, they can be better arranged for by the Corporation and municipalities while the actual defence services may remain with the Government of India. So far as the machinery is concerned, we have no quarrel with this point of view. I think the Government of Bengal, the Calcutta Corporation and the municipalities will co-operate in every possible way in devising schemes for life-saving and providing the requisite machinery. But the main question is the question of finance—the main problem is that of funds. We are opposed to the diversion of money from urgent

necessities of the province. Urgent necessities which are imposed upon us by the want, poverty, and illiteracy of the people cannot wait. They are problems which cannot be shelved and must be solved here and now if the terrible conditions of the people are to be improved. These are urgent necessities and air raids are after all a contingency. If money is diverted for a contingency like air-raid precaution measures. —and we are glad that as yet we have no experience of air raids and for us it is only a possibility—I think there is no justification for doing so in the face of these crying problems. I do not say that we should not insure against this possibility. We must take steps to insure against danger. But as I have said, it is a possibility and the meagre resources of the province should not be spent on insurance against a contingency before meeting problems which are more urgent and imperative. If it is considered from that point of view, the objection of the European Party also falls to the ground. This is a motion which deserves support from every section of the House and I have great pleasure in supporting it.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, according to the usual custom established in this House for motions that are addressed to the Governor and refer to matters which belong to the Central Government, Government will forward the debate to the Central Government without committing themselves in any way whatsoever. The resolution, as it is worded, refers to the action to be taken by the Central Government. Therefore, there is nothing that I can add as far as the debate is concerned, except that this House ought to take into consideration the fact that the A. R. P. organisation takes time and it costs a lot of money. The honourable mover of the resolution thinks that the cities in Bengal are liable to attack from the air and he is inclined to agree with me that the danger is fairly imminent. Therefore, what I would like to ask him is: whether in spite of the danger being imminent, he would prefer to argue with the Central Government as to who is going to bear the cost and do nothing or go on with the A. R. P. organisation on some satisfactory basis. Sir, I feel——

Mr. HAMIDUL HUQ CHOWDHURY: So you are expressing an opinion.

The Hon'ble Khwaja Sir NAZIMUDDIN: No, I am not expressing an opinion. But the temptation was very great, in view of the various speeches made, and I thought that this was a point of view which nobody had so far put before the House——

Maulvi ABUL QUASEM: On a point of information, Sir. Has not the Government of Bengal a duty to get money from the Central Government by strongly representing that the present resources of the

province are very, very limited? Why the Government should not express any opinion or express any point of view in addition to the opinion of the Council, and why should not the Government have any opinion of its own expressed on the floor of this House, so that the public may know what the view of the Government is in this respect?

Khan Bahadur NAZIRUDDIN AHMAD: May I also put——

Mr. PRESIDENT: Order, order. Mr. Quasem has put a question and the Hon'ble Minister may like to answer.

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have said, Sir, in all questions which are referred to the Central Government and for which the Provincial Government are not directly responsible, Government naturally, although they may have their own point of view, have refrained from being drawn into a discussion, and therefore in this matter also we propose to follow the usual convention.

Khan Bahadur NAZIRUDDIN AHMAD: On a point of information, Sir. Although we appreciate the attitude of the Government, that it has taken up this attitude all along, that there is consistency on the part of Government in this respect but that has been a grievance on our part. We believe that the Hon'ble Ministers are part of the Legislature.

Mr. PRESIDENT: Order, order. There is no room for a second speech; you can simply ask a question.

Khan Bahadur NAZIRUDDIN AHMAD: Does not the Hon'ble Minister feel that he is a member of this Legislature and as such has some view to express on the subject?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have, in order to make this point clear, to say that so far as this question is concerned though at some stage or other it will have to be discussed here and Government's opinion will then be expressed but, as far as this resolution is concerned, I do not think, Sir, that Government are expressing any opinion because this resolution refers entirely to what should be done by the Government of India; and where the action of the Government of India is in question, the Provincial Government does not express any opinion. But this very question can be raised differently in this House when the Government of Bengal will have to answer it.

Mr. HUMAYUN KABIR: May I also ask a question, Sir? Why not even in this particular matter the Government of Bengal have a responsibility—I mean in respect of hospitals and other essential services maintained and certain other essential services?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already stated that this question can be raised in this House when the Government of Bengal will have to give a reply. But in the form in which the question has been raised and the manner in which it has been raised the Government of Bengal cannot and do not propose to express any opinion.

Mr. HAMIDUL HUQ CHOWDHURY: I was going to ask the same question as raised by Mr. Kabir. The Hon'ble Sir Nazimuddin said that there is no responsibility of theirs so far as this resolution is concerned, but he is not correct because the resolution says, "including all costs of air raid precautionary measures should not be charged on the revenues of the province."

Mr. PRESIDENT: Order, order. That is not a question; you are saying that the Hon'ble Minister's statement is wrong.

Mr. LALIT CHANDRA DAS: Sir, I have listened to the speeches of honourable members of this House. An overwhelming majority of them, Sir, have supported my resolution with, however, only two notable exceptions. The opinion of the House has been clear and distinct in this matter that so far as the expenses for defence measures are concerned, they should be borne by the Government of India and not by the Provincial Government. So far as the Provincial Government is concerned, it has been clearly stated that large sums are being taken away by the Government of India and very little remains, Sir, for the Provincial Government for the working of the day-to-day administrative machinery and for meeting expenses on the nation-building activities. After all, it is a total war and in a total war, Sir, it is to be borne in mind that every city, every village is in the front line. In every village inside, it may be brought any day and any night by air raids. So far as individual protection is concerned, after all it will be a collective protection of all the individuals of all the villages and towns and that so far as collective protection is concerned, Sir, it cannot be split up and called a matter of individual protection and that the individuals are to pay. A previous speaker has rightly argued and I also submit, Sir, that so far as this resolution goes, it is not in any way trespassing on section 150 of the Government of India Act. The motion merely says what should be done and what should not be done. It is clear and it lays down, Sir, that the expenses should not be charged on the revenues of the province but should be borne by the Government of India.

Under the circumstances, Sir, I submit that the House should unanimously accept my motion.

Mr. PRESIDENT: The question before the House is: that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency to convey to the Government of India and the appropriate authorities that expenses in the nature of the Defence of India, including all costs of air raid precautionary measures, should not be charged on the revenues of the province but should be borne entirely by the Government of India.

(The motion was agreed to.)

Mr. NUR AHMED: Sir, I beg to move that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble President of the Bengal Legislative Council with a request to communicate through proper channel to His Majesty's Government in England the considered view of this House that this Council wholeheartedly welcome the historic eight points joint declaration made recently by Mr. Roosevelt, the President of United States of America, and Mr. Churchill, the Prime Minister of England, as a veritable charter of liberty for all peoples and nations of the world; that they think that the principles declared therein must have application to the people of India also and that their acceptance by the Democratic powers must, of necessity, lead India to the attainment of her long expected national freedom and that this Council congratulate Mr. Churchill on the joint declaration and request him to make a declaration that India will have the right to constitute for herself free and independent Government suitable to her special conditions in accordance with clause of the said joint declaration as soon as the war victoriously ends.

Sir, this is a motion which raises a very important and momentous question regarding the future destiny of a great sub-continent known as India. At the very beginning I want to clear my position before the House. I do not want to raise any racial or controversial matter by this motion. Sir, we are in the midst of a great world war which is raging in all its fury. That war has been brought nearer to India. It is practically knocking at the door of this great country. At this critical stage of the war all our energy, all our enthusiasm, all our attention should be directed towards the vigorous prosecution of that war,—so that this great British Empire with which willingly or unwillingly our destiny is linked may come out successful. Sir, the great evil forces of human civilisation, I mean the Nazi and Fascist forces, are trying to crush small and weak nations. We should try to help to crush those evil forces so that the nations which have lost their old freedom and old power may be restored to liberty. I do not want to stand in the way of a vigorous prosecution of the war. In the midst of the war a declaration—an epoch-making declaration—has been made

very recently by two mighty minds of the world, two great personages who are now practically presiding over the destinies of the people inhabited in almost half of the world. I only wish that what has been said in that declaration may also be applicable to India.

My motion can be divided into two parts. The first part deals with the declaration and in the second part a humble request is made through the proper channel to the Prime Minister of the British Empire to make a declaration in respect of India. As the first part of my motion deals with the joint declaration of Churchill and President Roosevelt, with your permission, Mr. President, I would like to state very briefly what the declaration is. The declaration runs as follows:—

"The President and the Prime Minister have had several conferences. They have considered the dangers to world civilization arising from the policy of military domination by conquest upon which the Hitlerite Government of Germany and other Governments associated therewith have embarked and have made clear the steps which their countries are respectively taking for their safety in facing these dangers.

They have agreed upon the following joint declaration:—

The President of the United States and the Prime Minister, Mr. Churchill, representing His Majesty's Government in the United Kingdom being met together deem it right to make known certain common policies of their respective countries on which they base their hopes for a better future for the world.

First, their countries seek no aggrandizement, territorial or otherwise.

Second, they desire to see no territorial changes that do not accord with the freely expressed wishes of the peoples concerned.

Third, they respect the right of all peoples, to choose the form of Government under which they will live; and they wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them.

Fourth, they will endeavour, with due respect for their existing obligations to further the enjoyment by all States, great or small, victor or vanquished, of access on equal terms to trade and to the raw material of the world which are needed for their economic prosperity.

Fifth, they desire to bring about the fullest collaboration between all nations in the economic field with the object of securing for all improved labour standards, economic advancement and social security.

Sixth, after the final destruction of Nazi tyranny, they hope to see established a peace which will afford to all nations the means of dwelling in safety within their own boundaries, and which will afford assurance

that all men in all lands may live out their lives in freedom from fear and want.

Seventh, such a peace should enable all men to traverse the high seas and oceans without hindrance."

(At this stage, the Hon'ble President vacated the Chair and Begum Hamida Momin occupied it.)

This is the declaration, Sir, and this declaration contains very vital principles. After this declaration India waited for a further declaration as to whether these very principles would apply to India or not. Major Atlee in his broadcast announcing the declaration did not mention anything about India, nor did Mr. Anthony Eden in his comment on this declaration say anything as to whether it applied to India. That is why I have brought forward this special motion with a request for a declaration that the principles enunciated in the historic declaration should also apply to India. It will be seen that I have very carefully worded my motion. India's condition is peculiar, and I have suggested that the interests of all communities and parties should be safeguarded in her future constitution and that all parties should agree to the same.

With these words, Sir, I commend my motion to the acceptance of of the House.

The CHAIRWOMAN (Begum Hamida Momin): Motion moved: that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble President of the Bengal Legislative Council with a request to communicate through proper channel to His Majesty's Government in England the considered view of this House that this Council whole-heartedly welcome the historic eight points joint declaration made recently by Mr. Roosevelt, the President of the United States of America, and Mr. Churchill, the Prime Minister of England, as a veritable charter of liberty for all peoples and nations of the world; that they think that the principles declared therein must have application to the people of India also and that their acceptance by the Democratic powers must, of necessity, lead India to the attainment of her long expected national freedom and that this Council congratulate Mr. Churchill on the joint declaration and request him to make a declaration that India will have the right to constitute for herself free and independent Government suitable to her special conditions in accordance with clause of the said joint declaration as soon as the war victoriously ends.

Maulvi ABUL QUASEM: I beg to move that in the motion No. 3 moved by Mr. Nur Ahmed for all the words beginning with the words "that they think," occurring in line 9, to the end, the following be substituted, namely:—

"the constitutional issue in India should be settled with the least avoidable delay after the termination of the present war on the basis of agreement between the principal parties and the Constitution of India should be framed on the lines indicated in the Lahore resolution of the All-India Muslim League—popularly known as the 'Pakistan' resolution."

Mr. LALIT CHANDRA DAS: On a point of order, Madam. This amendment cannot be moved, as notice of this amendment has been given only to-day and we have not had proper notice of it. Therefore, this amendment is out of order.

Khan Bahadur NAZIRUDDIN AHMAD: May I speak on this point of order, Madam? The point of order raised by Mr. Das is that the notice of the amendment is very short. But we received notice of the original motion only yesterday and as the notice of original motion was received yesterday, the notice of amendment could naturally be given after that. Our rules allow considerable discretion to the President, and it is to meet these extraordinary circumstances that such rules have been framed. So the President has ample discretion in the matter and there is no reason why that discretion should not be exercised with regard to this amendment.

The CHAIRWOMAN (Begum Hamida Momin): Yes, Mr. Quasem what have you got to say?

Maulvi ABUL QUASEM: As my honourable friend Khan Bahadur Naziruddin Ahmad has said, we got notice of this resolution only yesterday, and I availed myself of the earliest opportunity to give notice of my amendment. I think if there is any delay anywhere, it is in giving notice of the original motion. And if the original motion is in order, and it is in order as it was admitted by the Hon'ble President, there is no reason why the amendment should be declared out of order. It has been tabled for discussion after it was admitted by the Hon'ble President.

The CHAIRWOMAN (Begum Hamida Momin): I accept the amendment on short notice and hold that the amendment of Mr. Quasem is in order.

Mr. ABUL QUASEM: I will not take up much of the time of the House in commending my amendment to the acceptance of this House. Now the British Government has unequivocally declared that India will have freedom after the termination of the war. They have pointed out unmistakably to all concerned that the principal parties in India who are now opposed against each other most bitterly should try to come together and arrive at a settlement of the political issue between themselves. It is the duty of the political parties in India to settle the dispute among themselves first. Therefore, it is no use asking the British Government simply to frame a Constitution for India. We are bitterly fighting against each other about what should be the future Constitution of India. The Muslims of India have had bitter experience of the sort of autonomy that has been granted to us under the present Government of India Act. They have had bitter experience of the working of autonomy in the several Congress-governed provinces. The Muslims have been most unjustly and shabbily dealt with. They have no desire to have that experience repeated. Now, taking India as a whole, the Muslims are a hopeless minority, but the Muslim minority stands on a special level and on a special footing. The Muslims of India do constitute, by all canons, a separate nation and they, the Muslims, demand that they should be treated as such and that all the rights and privileges that do belong to a nation should be possessed and enjoyed by the Muslim nation of India. Taking India as a whole, they are not going to be subservient to anybody. They do not wish to dominate over anybody, nor do they desire that anybody should dominate over them. Madam, we have been told repeatedly by prominent people belonging to the Hindu community and by their organisation, the Hindu Mahasabha, that the Muslims in India should live on terms dictated by the Hindus. They say that it is the land of the Hindus. It is Hindusthan and, therefore, the law should be laid down by the Hindus and all obedience should be rendered by the Muslims without raising their voice. It is this undisguised desire of the Hindus to subject the Muslims to their domination even in provinces where the Muslims are in a majority which has made the Muslims suspicious and apprehensive. The Muslims will fight tooth and nail constitutionally if possible and, if necessary, otherwise also, so that this unjust and unfair and illegitimate domination is not allowed to come into being. Now, Madam, people have gone to the length of telling the Muslims that if they wanted to live in India they would have to forego the use of the water of the sacred well, Zam-Zam, and would have to use Ganges water instead. That is the sort of freedom that will be allowed to the Muslims under Hindu rule. Well, utterances like that and experiences gained in the administration by the Congress of other provinces have driven the Muslims to fury. Now, Muslims have been driven literally to adopt their present attitude which they recorded solemnly in the now famous resolution passed by

their only political association, the only authoritative political organization of the Muslims of India as a whole, namely, the All-India Moslem League at its Lahore Session. Now, that Lahore resolution has popularly come to be known as the Pakistan Resolution, demanding that India should be divided into predominantly Muslim regions, which should not be subservient to a Centre dominated by the Hindus. You want India as a single geographical and political entity with a view that you, the Hindus, might dominate over all the non-Hindus and you say you are more than three-fourths in this land. This land—is it a single homogeneous country? Is it not a continent consisting of countries inhabited by different peoples, tribes and nations, following different faiths and customs, speaking languages unintelligible to each other? How can this be a country? It is in reality a continent. A Bengali cannot be understood by a Madrasi, for instance, on account of the different languages they speak. Neither can a Punjabi understand the Bengali language. The Hindus are showing arrogance of power and position. Against that arrogance the Muslims stand united to the point of death. We declare to the world that we are not going to allow ourselves to be dominated by anybody. We do not of course cherish any ambition or desire to dominate other peoples. Therefore, Madam, the constitutional issue has got to be settled on lines satisfactory to the Muslims.

The British Government through its Viceroy and the Secretary of State gave solemn pledge to the Muslims of India that their Pakistan scheme will be considered after the war is over and that the whole constitutional issue will be examined afresh. Muslims did not start any non-co-operation movement on the ground that the constitutional question was going to be taken up later and not at once. We, on the other hand, allowed our leaders to take part in the war efforts, to be members of war committees. But as a reward the other day the Secretary of State has rudely shaken the faith of the Muslims by his declaration. That declaration unjustly and unwarrantedly criticised the Pakistan Resolution of the All-India Muslim League. There was no justification for Mr. Amery to prejudge the issue. That declaration came as a rude shock to the Muslims and therefore, Madam, I give expression to the disappointment and agony that has been caused to the Muslims by the irresponsible utterance of Mr. Amery. It has produced——

Mr. AMULYADHONE ROY: On a point of order, Madam. Is the honourable member entitled to refer to Mr. Amery when he is not here in this House——

The CHAIRWOMAN (Begum Hamida Momin): Order, order. Let the honourable member continue his speech.

Maulvi ABUL QUASEM: Now, Madam, it was understood that this Pakistan scheme would be taken up for consideration after the war was over when the whole constitutional issue would be taken up. Mr. Amery had no right to adversely criticise the Pakistan scheme. We strongly protest against his utterance. And we demand that when the constitutional issue of India will be discussed, our scheme should be examined and considered without bias or prejudice. We demand that the constitutional issue should be settled on the basis of agreement between the principal parties in India and that the Constitution should be framed on the lines indicated in the Lahore Resolution of the All-India Muslim League, commonly known as the Pakistan Resolution.

The CHAIRWOMAN (Begum Hamida Momin): Amendment moved: that in the motion of Mr. Nur Ahmed for all the words beginning with the words "that they think" occurring in line 9, to the end, the following be substituted, namely:—

"the constitutional issue in India should be settled with the least avoidable delay after the termination of the present war on the basis of agreement between the principal parties and the Constitution of India should be framed on the lines indicated in the Lahore Resolution of the All-India Muslim League—popularly known as the Pakisthan Resolution."

Mr. LALIT CHANDRA DAS: Madam, I rise to enter my emphatic protest against this amendment which has been moved by my friend Khan Sahib Abul Quasem. Now, he has used the word "Pakisthan". With respect to that word, I want to remind my friend that the word "Pakisthan" covers Afganisthan, Iran Syria, Egypt and other places. Let the Pakisthanwallas quit India and go there. India is not Pakisthan. India was one and undivided for several centuries. India will remain one for centuries to come and there is nobody on earth who can divide it as it is sought to be divided by these Pakisthanists. This amendment has been moved on the assumption that the Muslims are all in favour of the Pakisthan scheme. That is a lie. All Muslims do not want Pakisthan. I know as a matter of fact that the nationalist Muslims of Bengal, nay, of India, who are not a negligible lot and the Muslims of the North-West Frontier Province who are, by the way, real Muslims of India, do not want Pakisthan or the scheme as is now adumbrated by my friend. I know that the Sindhi Muslims led by Khan Bahadur Alla Bux do not want the Pakisthan scheme as is now advocated. The Ahrar Muslims and the Momins too, do not want the Pakisthan scheme. As a matter of fact, there is division and difference of opinion between the Muslims of India regarding this Pakisthan scheme. And, Sir, look to the history and geography of India. I believe, it was from this point of

view that Mr. Amery characterised this Pakisthan scheme as objectionable. Now, with regard to another point that has been raised by my friend that the Muslims look upon themselves as constituting a separate nation, to that also I enter my emphatic protest. How can the Muslims of India or Bengal or of any other province belong to a separate nation? I say that so far as the Bengal Muslims are concerned, most of them trace their descent from Hindus. The Muslims of Bengal, or at least 90 per cent. of them, may be called agnates of the Hindus. As a matter of fact, their culture is the same, their tradition is the same and their language also is the same. As regards their culture and traditions, the Hindus and Muhammadans of Bengal with their same language are one nation; they are not a separate nation. Mr. Quasem has said that the Hindus of the Punjab cannot understand a Bengali Hindu without the medium of the English language. But can a Bengali Muhammadan do the same? Then, in what way can the Bengali Mussalmans trace their connection with the Punjabi Muslims or the Mussalmans of Sind or of the North-West Frontier Province? In what way can these Muslims of Bengal claim that the Mussalmans of the Punjab, or of the North-West Frontier Province or of Sind, belong to the same race and same tradition and constitute one nation with them? As I say, Sir, their tradition, their language is not the same but different, and I would say that so far as the Mussalmans of Sind are concerned, so far for instance, as Premier Alla Bux is concerned, and so far as the Muslims of the North-West Frontier are concerned, they are distinctly against the Pakisthan scheme. So far as the ideal of Pakisthan is concerned, that has been brought into being to create an eternal feud between Hindus and Mussalmans. Such a scheme can never be the scheme of any right-minded person in India. This is a scheme which is calculated to impede the progress of India, and the claim of India, of nationalist India, for her freedom. Sir, the scheme of Pakisthan has come as a godsend to those imperialists in Great Britain who are thinking of denying freedom to India. Even though a certain section of Muslims is really claiming that the Pakisthan scheme should be given effect to, yet without doing them any good the effect has been that this has come as a very good handle to the imperialists in India who by dividing Hindus and Mussalmans do not intend to give freedom to India. Madam, one word more. The Khan Sahib is wrong in his allegations against the Congress Governments in the other provinces of India. The Congress Governments never misgoverned the Muslims. With these words, Madam, I oppose the amendment of the Khan Sahib.

The Hon'ble Khwaja Sir NAZIMUDDIN: Madam, as usual, according to the convention, on behalf of the Government I would like to state that Government will forward the proceedings of the debate on this motion to the proper quarters.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Madam, I support the amendment of my friend Mr. Abul Quasem and as the time is short I do not propose to make any speech.

The CHAIRWOMAN (Begum Hamida Momin): I shall first put the amendment of Mr. Abul Quasem to the motion of Mr. Nur Ahmed.

The question before the House is: that in the motion No. 3 by Mr. Nur Ahmed for all the words beginning with the words "that they think" occurring in line 9, to the end, the following be substituted, namely:—

"the constitutional issue in India should be settled with the least avoidable delay after the termination of the present war on the basis of agreement between the principal parties and the Constitution of India should be framed on the lines indicated in the Lahore resolution of the All-India Muslim League—popularly known as the "Pakisthan" Resolution.

(The amendment was agreed to.)

The CHAIRWOMAN (Begum Hamida Momin): I shall now put the original motion as amended.

The question before the House is the special motion No. 3 of Mr. Nur Ahmed, as amended by Mr. Abul Quasem, viz.—

That an Address be presented to His Excellency the Governor of Bengal through the Hon'ble President of the Bengal Legislative Council with a request to communicate through proper channel to His Majesty's Government in England the considered view of this House that this Council whole-heartedly welcome the historic eight points joint declaration made recently by Mr. Roosevelt, the President of the United States of America, and Mr. Churchill, the Prime Minister of England, as a veritable charter of liberty for all peoples and nations of the world; the constitutional issue in India should be settled with the least avoidable delay after the termination of the present war on the basis of agreement between the principal parties and the Constitution of India should be framed on the lines indicated in the Lahore Resolution of the All-India Muslim League—popularly known as the "Pakisthan" Resolution.

(The motion, as amended, was agreed to.)

Khan Bahadur NAZIRUDDIN AHMAD: Madam, before the proceedings of the day are closed, may I request that on the next Friday I wish to move that the Bengal Hindu Women's Property Bill be taken into consideration. An amendment will be moved to the effect that the said Bill be sent to the Select Committee and my request is that it may be included in the agenda of Friday next. It is a very formal affair.

The CHAIRWOMAN (Begum Hamida Momin): Order, order. The nature of non-official business for the next week has not yet been fixed. The honourable member may give notice about this to the office.

Khan Bahadur NAZIRUDDIN AHMAD: But it has been already announced that the non-official Bill of Khan Bahadur Ataur Rahman will be taken up on Friday next.

The CHAIRWOMAN (Begum Hamida Momin): In any case, you may give notice to the office and find out the position.

The Council stands adjourned till 2-15 p.m. on Monday, the 8th September, 1941.

Adjournment.

The Council then adjourned till 2-15 p.m. on Monday, the 8th September, 1941.

Members Absent.

The following members were absent from the meeting held on the 5th September, 1941:—

(1) Mr. Kader Baksh.
(2) Rai Bahadur K. C. Banerjee.
(3) Mr. Shrish Chandra Chakraverti.
(4) Mr. Narendra Chandra Datta.
(5) Mr. Kamini Kumar Dutta.
(6) Khan Bahadur Alhadj Khwaja Muhammad Esmail.
(7) Mr. K. L. Goswami.
(8) Mr. Mohamed Hossain.
(9) Alhadj Khan Bahadur Shaikh Muhammad Jan.
(10) Maulana Muhammad Akram Khan.
(11) Sir T. Lamb.
(12) Rai Bahadur Brojendra Mohan Maitra.
(13) Mr. Naresh Nath Mookerjee.
(14) Dr. Radha Kumud Mookerjee.
(15) Mr. Ranajit Pal Chowdhury.
(16) Dr. K. S. Ray.
(17) Mr. J. B. Ross.
(18) Mr. W. F. Scott-Kerr.
(19) Rai Sahib J. M. Sen.

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THE BENGAL LEGISLATIVE COUNCIL DEBATES

Second Session—No. 23.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 8th September, 1941 at 2-15 p.m., being the twenty-third day of the Second Session, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Abolition of the posts of Assistant Sub-Inspectors under the Bakarganj District Board.

66. Mr. HUMAYUN KABIR: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) if it is a fact that the Bakarganj District Board has since 1901 maintained ten Assistant Sub-Inspectors of Schools with the sanction of Government;

(*b*) if it is a fact that at a meeting of the District Board, held on the 29th June, 1940, it was decided to abolish the posts;

(*c*) what has been decided with respect to the then incumbents of the posts;

(*d*) the qualifications and experiences of the men holding these posts on that date;

(*e*) whether the District Board has made any provision in respect of the men thrown out of employment as a result of its decision of the 29th June, 1940; and

(*f*) whether the Government is taking any steps to absorb those men in the inspecting staff under the Government?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*) and (*b*) Yes.

(*c*) The District Board, Bakarganj, decided to dispense with the services of the three senior-most officers from 1st August, 1940, and of the remaining seven from 1st January, 1941.

(*d*) A statement is laid on the Table.

(*e*) I am not aware.

(*f*) Government duly considered the question and found that nine of the officers were not suitable for such appointments. The case of the remaining one is still under consideration.

Statement referred to in reply to clause (d) of question No. 66.

PARTICULARS OF THE ASSISTANT SUB-INSPECTORS OF SCHOOLS, SERVING UNDER THE BAKARGANJ DISTRICT BOARD.

Scale of pay—Rs.35—40—2—68—3/2—80.

Seniority. Name.	Qualification.	Date of appointment.	Pay.
			Rs.
(1) Sayed Abdul Jabbar ..	Read up to I.A.	7-7-1912	80
(2) Kazi Fazler Rahaman ..	Entrance ..	28-3-1917	80
(3) Hirendra Nath Sen ..	Read up to I.A.	4-8-1916	80
(4) Muhammad Ishaq Khan ..	Read up to I.A.	3-4-1918	77
(5) Aftabuddin Ahamed ..	Read up to I.A.	3-11-1920	74
(6) Habibar Rahman ..	Plucked I.A. ..	14-6-1925	74
(7) Kazi Md. Buzarga Ali ..	B.A. ..	17-10-1930	54
(8) Kazi Erfanuddin Ahamed ..	B.A., B.T. ..	1-4-1933	50
(9) Nuruddin Ahmed Khan ..	Read up to I.A.	3-10-1934	48
(10) Amir Hossain Bhuiya ..	B.A. ..	1-4-1938	40

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state which of the ten men has been considered suitable by Government?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I ask for notice.

Mr. HUMAYUN KABIR: Is it a fact that three of these candidates are graduates as is given in the Government statement itself?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir.

Mr. HUMAYUN KABIR: Did the Government consider graduates to be unsuited for appointment as Assistant Inspector of Schools?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, it is not Government's policy to express any opinion on personnel.

Mr. HUMAYUN KABIR: My question is: Did the Government consider graduates unsuited for appointment as Assistant Inspectors of Schools?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I do not think so.

Mr. HUMAYUN KABIR: Did the Government sanction the appointment of these men?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir, they did.

Mr. HUMAYUN KABIR: Then is it Government's point that after they were appointed with the sanction of Government and after they have put in 6 years' to 32 years' service Government now consider them unfit?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, these persons were appointed by local bodies and not by Government. Government may have their own standard.

Kandi Sub-Registry office.

67. Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister in charge of the Education Department be pleased to state what portion of the documents registered in the Kandi Sub-Registry office in the years 1937 to 1940 are sale-deeds of agricultural holdings?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): A statement furnishing the information is laid on the Table.

Statement referred to in reply to question No. 67.

Year.	No. of sale-deeds under sections 12 and 18 (Bengal Tenancy Act).	No. of sale-deeds under section 26(c) (Bengal Tenancy Act).	Total.
1937 ..	690	1,096	1,786
1938 ..	734	1,609	2,343
1939 ..	682	3,538	4,220
1940 ..	884	3,688	4,572

Khan Bahadur ATAUR RAHMAN: In 1939-40 and after that within six months the figures of sale-deeds show very high increase. Will the Hon'ble Minister please state what are the causes for which the sales of *raiyati* lands have gone up?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I believe the drying up of rural credit.

Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister please state what steps the Government is taking to stop the sales of land of the *raiyats* and helping the rural credit to increase?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government are trying to increase the number of co-operative societies in the rural areas.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: Is it a fact that owing to the abolition of landlords' fee the sale has increased?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I think the landlords' fee has nothing to do with the sale of lands.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state if there are any land mortgage banks in this locality?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I do not think so.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister kindly consider the desirability of establishing a land mortgage bank in this area?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government will consider that suggestion, Sir.

Khan Bahadur ATAUR RAHMAN: Are the Government aware that many such sales are only bogus—made only to avoid the provisions of the Money-lenders Act—and that the *raiyats* are creating fictitious documents for getting a loan from the *mahajan*?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I do not think that the documents are fictitious documents; of course, there may be forced sales.

Repair of "Puber Bandh" of Rashpore, Howrah.

69.* Mr. HUMAYUN KABIR: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state if it is a fact that the "Puber Bandh" within the Rashpore Union, district Howrah, was breached during the high flood in August, 1939?

(*b*) Is it a fact that the public and the Rashpore Union Pally Samity passed resolutions on the 10th September, 1939, requesting the Government to repair the above "Puber Bandh" and "Someswar Khaira Khal"?

(*c*) Is it a fact that the Chief Engineer to the Government of Bengal recommended the repair of the above "Puber Bandh" and "Someswar Khaira Khal" as per his letter No. 2129 C.I., dated the 12th August, 1940, to the District Magistrate?

(*d*) Is it a fact that Mr. Stewart, the then Magistrate, visited the local Union Board in November, 1940, and requested the Union Board to assess the people and the Circle Officer, Amta, to assess the local zemindars proportionately for the purpose?

(*e*) Is it a fact that the Union Board made the assessment as desired by Mr. Stewart?

(*f*) What steps, if any, have been taken to assess and realise the contributions from the local zemindars?

(*g*) Are there any defaulters, and if so, what are their names?

(*h*) Is it a fact that the *Projas* who took leading part in co-operating with Mr. Stewart for the repairs of "Puber Bandh" have been sued in the Amta Munsiff's court by the zemindar Sj. Bhut Nath Mukherjee?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): I have called for information and will furnish it in due course.

Flood in Noakhali.

70.* Khan Bahadur REZZAQUL HAIDER CHOWDHURY: Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*a*) the amount of expenditure incurred by the Government of Bengal for constructing the last *bund* across the Noakhali *khal;*

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*Answering of questions Nos. 69 and 70 were postponed on the 2nd September, 1941.

(*b*) whether the Government is aware that the newly excavated *khal* meant for drainage was not completed in time and as a result of that there was inundation in five thanas of the Sadar subdivision and consequent heavy loss of crops to cultivators;

(*c*) what action the Government propose to take for helping the cultivators who suffered from inundation due to the *bund* and the non-execution of the newly excavated *khal* in time;

(*d*) whether it is a fact that the District Magistrate wired to the Irrigation Department on the 3rd May, 1941, informing about the apprehended loss due to inundation arising out of *bund;*

(*e*) if so, when the Executive Engineer (Irrigation Department) came to Noakhali and when the mouth of the newly excavated *khal* was opened;

(*f*) whether it is a fact that the District Board and other public bodies also wired the Irrigation Department for taking steps for proper drainage of water;

(*g*) if so, when those telegrams were received by the Department and what action was taken by the Irrigation Department and when;

(*h*) whether it is a fact that the mouth of the newly excavated *khal* was opened on the 9th May, 1941;

(*i*) why no early steps were taken; and

(*j*) whether the Government will be pleased to place on the Table copies of the telegram received from the District Magistrate, the Noakhali District Board, and other public bodies in this connection?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) Rs.20,358.

(*b*) and (*c*) No. The flood was due to abnormally heavy and early rainfall this year; and provision has been made for agricultural and gratuitous loans for which allotments have been placed at the disposal of the Collector for distribution in the flood-affected areas.

(*d*), (*e*), (*h*) and (*i*) Yes. The District Magistrate suggested that the mouth of the new cut should be opened. The Executive Engineer reached Noakhali on the night of the 5th May, 1941, and opened the *khal* on the morning of the 9th May, 1941. Till then the situation was not so serious as to require the opening of the mouth.

(*f*) and (*g*) The District Board's telegram to the Chief Engineer was received on the 5th May last and that of the Muslim League and Peace Committee, Chowmohini, on the 4th instant; but the President of the Muslim League's telegram and that of the firms were mis-sent and reached their destination on the 10th and 11th instant respectively after having been redirected by the Executive Engineer, Khulna Division. No further action was necessary, as action as demanded by the situation had been taken by the Executive Engineer prior to the receipt of those telegrams.

(*j*) Copies of the telegrams received by Government or officers subordinate to them are laid in the Library.

Khan Bahadur REZZAQUL HAIDER CHOWDHUDY: Is it a fact that the last *bund* could not be completed?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: The work was going on according to Schedule.

Khan Bahadur REZZAQUL HAIDER CHOWDHURY: Is it a fact that the *bund* on which Government spent more than Rs. 20,000 could not be completed in time?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I could not follow the honourable member; but if he wants to know if the work was completed in time, then I would say "yes—according to our programme."

Khan Bahadur ATAUR RAHMAN: In answer (*b*) and (*c*) it is stated that the "flood was due to abnormally heavy and early rainfall." May I know what is the reading of the rain guage showing the difference from the normal rainfall?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I cannot definitely state the exact difference in the rain guage, but I am sure that in comparison with other years the rainfall was very heavy this year.

Midnapore College.

80. Rai Bahadur MANMATHA NATH BOSE: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) what steps have been taken by the Government of Bengal to give effect to the opinion of the Legal Remembrancer for treating the Midnapore College as a Government College and financing it accordingly;

(*b*) when he proposed to pay a visit to the said College as indicated by him in his answer given to clause (*e*) of question No. 101 on the 21st June, 1939;

(*c*) if he is aware that the Director of Public Instruction visited the said College towards the end of 1940; if so, whether he submitted any scheme for taking over the College under Government management;

(*d*) if he is aware that the present accommodation in the College is not at all sufficient and Government help is absolutely necessary to meet the situation; and

(*e*) what is the amount of the annual grant that is being now paid to the College after the opening of the B.A. classes?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*) The matter is under consideration.

(*b*) I regret that I could not visit the College up till now. I shall, however, try and pay a visit as early as possible.

(*c*) Yes, the question is still under consideration.

(*d*) Yes.

(*e*) A grant of Rs.771 per mensem is now being paid to the College. The question of making an additional grant to the College is under consideration.

Rai Bahadur MANMATHA NATH BOSE: Will the Hon'ble Minister be pleased to state when will the matter receive final consideration, insasmuch as it has been under consideration for over six or seven years?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, it is not under consideration for over six or seven years. In fact, in 1936-37 the number of students became so poor that Government was seriously considering taking over the college. Then the political situation improved and the number of students also improved. Since then, of course, the B.A. Class was opened and Government made an additional grant of Rs. 300. So, it is a very recent problem and this question is not under consideration for over six or seven years.

Rai Bahadur MANMATHA NATH BOSE: Is it not a fact that the Legal Remembrancer gave his opinion some years ago—before 1936?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: On what point?

Rai Bahadur MANMATHA NATH BOSE: On the point of making the college a Government college.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The question of making it a Government college is not the main question. The main question is the provision of additional accommodation.

Rai Bahadur MANMATHA NATH BOSE: No, Sir, that is not the main question, and I ask the Hon'ble Minister to read question (*a*).

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice on that point, Sir.

Rai Bahadur MANMATHA NATH BOSE: May I enquire by what time the Hon'ble the Chief Minister will be able to pay a visit to the college, inasmuch as he was not able to do so in spite of his promise?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: He proposes to visit the college as soon as possible.

Alleged abduction of one Birangana of Khulna.

81. Mr. AMULYA DHONE ROY (on behalf of Mr. Lalit Chandra Das): (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that Abdul Khalek Sheik, Imamadi Sheik and Hamid Sheik have been convicted and sentenced to four years' rigorous imprisonment for having abducted Birangana *alias* Biranga, wife of Bipin Das and daughter of Sreecharan Mandal, of the Khulna district?

(*b*) Is it a fact that at one stage of the case, Biranga was produced before the Court of the Second Magistrate, A. M. Rahman, Esq., who instead of handing her over to her husband, Bipin Das, who prayed for her custody or to any Hindu, put her in custody of muktear, Maulvi Nawabjan Sirdar?

(*c*) If so, as against that order, did Bipin Das move the District Magistrate under section 552, Criminal Procedure Code, who ordered to restore Birangana to Bipin Das? If so, is it a fact that nothing having been done for long time, the aforesaid Magistrate, Mr. A. M. Rahman, was reminded when he ultimately on the 23rd September, 1940, asked Bipin Das to take his wife from Court?

(*d*) Is it a fact that as this Abdul Khalek, Imamadi, Yukubali and others turned up with *lathis* in Court compound and that Bipin prayed to Mr. Rahman through his Muktear, Sj. Nityananda Biswas, to give him police protection for taking his wife safely home? If so, was such

help refused? Is it a fact that from Court compound that girl was forcibly carried away by the *goondas*, named Abdur and others after beating Bipin Das, Nibaran Haldar and Nishi Mangali?

(*e*) Where is that girl Biranga now? Is it a fact that she is still untraced? Is it also a fact that two of the accused are still absconding?

(*f*) Will the Hon'ble Minister be pleased to state what steps have been taken and are being taken to recover Biranga and to bring the rest of the accused to justice?

(*g*) Do Government propose to condemn the attitude of the trying Magistrate, Mr. Rahman named above, in dealing with Bipin Das and Biranga in the matter of custody and protection?

(*h*) Are not the crimes of abduction of women on the increase? If so, what special steps have been so far adopted to deal with the situation and what measures do Government intend to adopt to stamp out such crimes as far as possible?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes.

(*b*) Yes, at the request of the girl who declared that she was a convert to Islam. Moreover, her husband was not present on that date.

(*c*) Yes. The District Magistrate's order was received on 20th August, 1940, by the Magistrate who issued notice on the husband to take custody of his wife on 5th September, 1940. The husband appeared on 21st August, 1940, when the girl was not present in the court and again on 5th September, 1940. On the last date the girl filed a petition saying that she had filed a motion against the order of the District Magistrate which delayed a decision by the Magistrate. The girl failed to attend court on account of indisposition and her surety also was absent on 20th September, 1940, and 21st September, 1940. Eventually she was made over to her husband on 23rd September, 1940, by the court.

(*d*) No men with *lathis* were seen by the Magistrate in the court compound. There was no prayer for police protection by the husband or anybody else but such protection was given by deputing two police constables. There was a row outside the court but the Magistrate did not and could not see anything from his seat.

(*e*) and (*f*) The girl was sent to a Women's Home at Howrah under police escort about the first week of July. It is not true that she is untraced.

Out of the 6 accused, 3 have been convicted, 2 absconded and 1 died. Attachment and proclamation orders were issued against the 2 absconders. They could not be traced yet. Moveables of one have been seized and those of the other could not be attached as his father is alive.

(*g*) No.

(*h*) Yes, but not in the district of Khulna. The attention of all officers in the Police Department has been drawn on a number of occasions to the need for dealing energetically with this class of crime. In 1936 an Act was passed to provide for whipping as an additional punishment in the case of certain offences against women. The Inspector-General of Police, Bengal, and the Commissioner of Police, Calcutta, are fully alive to the serious nature of these offences. The Inspector-General of Police has stated that both he and the Deputy Inspectors-General look into such cases carefully during their inspections and that special attention is paid to their investigation.

Mr. AMULYA DHONE ROY: With reference to (*d*), will the Hon'ble Minister be pleased to say how the Magistrate could come to know that there was a row outside?

Khan Bahadur NAZIRUDDIN AHMAD: A row could be heard; it need not necessarily be seen.

The Hon'ble Khwaja Sir NAZIMUDDIN: Either he might have been told or he might have heard the noise himself.

Mr. AMULYA DHONE ROY: Did he take any action then and there?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think that is the duty of the Magistrate.

Mr. AMULYA DHONE ROY: Will the Hon'ble Minister be pleased to say when the Magistrate came to know of the row?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. AMULYA DHONE ROY: Does the Hon'ble Minister admit that the girl was taken away by force from the Court compound?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not know what are the facts about this.

Mr. AMULYA DHONE ROY: Will the Hon'ble Minister be pleased to enquire?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, if the honourable member likes.

Dates for consideration of Non-official Bills.

Khan Bahadur ATAUR RAHMAN: Sir, may I request you to fix a date for submission of amendments to the Bengal Local Self-Government (Amendment) Bill which will be taken into consideration on the 12th September?

Mr. PRESIDENT: What date do you suggest?

Khan Bahadur ATAUR RAHMAN: I suggest that Wednesday next, the 10th September, be fixed for submission of amendments.

Mr. PRESIDENT: Any member desiring to give notice of amendments to the Bengal Local Self-Government (Amendment) Bill, 1941, will do so by 11 a.m. on Wednesday next, the 10th September, 1941.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, there is one other Bill which will be taken into consideration also on Friday, the 12th. May I suggest that the date of submission of amendments to that Bill also be fixed 11 a.m. on Wednesday next? This Bill is a very short Bill and there is no complication in it.

Mr. PRESIDENT: What is that Bill?

Khan Bahadur NAZIRUDDIN AHMAD: The Bengal Hindu Women's Right to Agricultural Lands Bill.

Mr. PRESIDENT: Any members desiring to give notice of amendments to the Bengal Hindu Women's Right to Agricultural Lands Bill, 1941, will do so by 11 a.m. on Wednesday next, the 10th September, 1941.

The Bengal Maternity Benefit (Tea Estates) Bill, 1941.

Mr. PRESIDENT: The House will now consider the Bengal Maternity Benefit (Tea Estates) Bill, 1941, as reported by the Select Committee.

Clause 1.

Clause 1 stand part of the Bill.

The question before the House is: that clause 1 stand part of the Bill.

(The motion was agreed to.)

Clause 2.

Clause 2 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move: that in clause 2 of the Bill, in sub-clause (*f*), for the words "are employed" in line 4, the words "are usually employed" be substituted.

Sir, this relates to the definition of the word "plantation". According to the language used in the Bill, "plantation" means any estate in which "20 or more women are employed". It is not clear here whether 20 or more women should be employed for the whole period or may be employed for one day or whether, if there is on a particular day less than 20, the estate would cease to be a plantation.

Sir, the amendment makes it clear that temporary fluctuations round the figure 20 will not matter, if 20 women are usually employed. It is to clarify the position that I have submitted this amendment.

Mr. PRESIDENT: Amendment moved: that in clause 2 of the Bill, in sub-clause (*f*), for the words "are employed" in line 4, the words "are usually employed" be substituted.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, may I point out some difficulties regarding this amendment of Khan Bahadur Nazir-uddin Ahmad? If Government accept the word "usually", we shall find it difficult to prescribe the meaning of the word "usually". Sir, after all, in a statute mathematical precision is more desirable than leaving it to an officer to judge the circumstances under which the statute is attracted. Therefore, Sir, I would accept the following amendment which will bring this measure into line with the Indian Factories Act, so that a factory in which there are 20 or more persons employed on any one day in the year can be brought under the Act, namely, that in sub-clause (*f*) of clause 2 of the Bill after the words "are employed for that purpose," the words "are employed, or were employed on any day of the preceding 12 months, for that purpose" be substituted.

If this is done, there would be no difficulty in ascertaining which are the plantations that will come under the purview of this Bill.

Mr. HUMAYUN KABIR: Sir, is it necessary to add this amendment? Of course, I do not oppose the amendment suggested by the Hon'ble Minister; but I think it is sufficiently defined in the Bill. Is it necessary still further to add this amendment? In the Bill it is laid down that "in which 20 or more women are employed for that purpose". I think it will be sufficient if only the word "usually" is deleted.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I think this amendment is necessary because if we do not do so, then in a particular tea garden on a particular day there may not be 20 or more persons working, and that tea garden may plead that it is outside the Act. We had better not leave this matter vague.

Mr. PRESIDENT: If Khan Bahadur Naziruddin Ahmad accepts this amendment, he can withdraw his own and the amendment suggested by the Hon'ble Minister may then be moved.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I submit that the amendment suggested by the Hon'ble Minister is better and it gives more right to the women workers. So, I would ask leave of the House to withdraw my amendment.

Mr. PRESIDENT: Is it the pleasure of the House to permit Khan Bahadur Naziruddin Ahmad to withdraw his amendment?

(By leave of the House, the amendment was withdrawn.)

Mr. MESBAHUDDIN AHMED: Sir, I beg to move that in sub-clause (*f*) of clause 2 of the Bill, after the words "are employed for that purpose," the words "are employed, or were employed on any day of the preceding 12 months, for that purpose" be substituted.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*f*) of clause 2 of the Bill, after the words "are employed for that purpose," the words "are employed, or were employed on any day of the preceding 12 months, for that purpose" be substituted.

The question before the House is: that in sub-clause (*f*) of clause 2 of the Bill, after the words "are employed for that purpose," the words "are employed, or were employed on any day of the preceding 12 months, for that purpose" be substituted.

(The amendment was agreed to.)

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move: that in clause 2 of the Bill, in sub-clause (*h*), for the words, comma and figures "have the same meanings as in the Factories Act, 1934" in lines 1 to 3, the words, commas and figures "have, where they have been defined in the Factories Act, 1934, the same meaning as in that Act," be substituted and the following statute reference be inserted in the margin, namely:—"XXV of 1934."

Sir, this is a drafting amendment only. The Bill says that the words used in the Bill shall have the same meaning as in the Factories Act. My amendment attempts to lay down definitely that as those words have been defined in the Factories Act, they will have the same

meaning here as in that Act. The second portion of the amendment seeks to supply the statute reference which is always given in a Bill and it has been given in this Bill also except in this place. So, the first portion of my amendment makes position clear while the second portion supplies an oversight.

Mr. PRESIDENT: The question before the House is: that in clause 2 of the Bill, in sub-clause (*h*), for the words, comma and figures "have the same meanings as in the Factories Act, 1934" in lines 1 to 3, the words, commas and figures "have, where they have been defined in the Factories Act, 1934, the same meaning as in that Act" be substituted, and the following statute reference be inserted in the margin, namely:—"XXV of 1934."

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is: that clause 2, as amended, stand part of the Bill.

(The motion was agreed to.)

Clause 3.

Mr. PRESIDENT: The question before the House is: that clause 3 stand part of the Bill.

(The motion was agreed to.)

Clause 4.

Mr. PRESIDENT: Clause 4 stand part of the Bill.

Mr. BIRENDRA KISHORE ROY CHOWDHUAY: I beg to move that in first proviso to clause 4 of the Bill, after the word "than" in line 4, the words "a continuous period of" be inserted.

Sir, the object of my amendment is very simple. It is not unoften the case that a woman worker remains employed in a tea estate for a month or two, then goes over to another estate, remains employed there for a month or two and then reverts to the original estate. In these circumstances it is not infrequently the case that a woman labourer when pregnant for quite a considerable time may leave an estate and come over to another. In such an instance not the estate which she now joins but the estate in which she has already worked for the greater period of her pregnancy, which should undertake the responsibility of maternity benefit to her. I should, Sir, point out that now and again it actually happens that the woman worker employed in a small and not very resourceful garden is compelled to leave it when her pregnancy becomes noticeable. She then

has to shift her activities to a more resourceful estate nearby. In such instances which should not be taken as imaginary, the latter garden should not be burdened with the responsibility.

It is with a view to this that I want it to be provided in the Bill that before a woman becomes eligible for maternity benefit she must put in work for a continuous period of 150 days immediately preceding the expected day of her delivery.

Mr. PRESIDENT: Amendment moved: that in first proviso to clause 4 of the Bill, after the word "than" in line 4, the words "a continuous period of" be inserted.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I have to oppose this amendment. The reason is that if a woman fails to attend a factory or plantation for a single day due to illness or accidental reason or due to illness of a relation or for any other reasons, this would effectively shut her out from any claim to any maternity benefit. In these circumstances, I oppose the amendment.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I may add to what my friend Khan Bahadur Naziruddin Ahmad said that the result of this amendment would be that hardly any woman would get maternity benefit. So, I oppose the amendment.

Mr. PRESIDENT: The question before the House is: that in first proviso to clause 4 of the Bill, after the word "than" in line 4, the words "a continuous period of" be inserted.

(The amendment was negatived.)

Mr. BIRENDRA KISHORE ROY CHOWDHURY: I beg to move that in the first proviso to clause 4 of the Bill, the words "in twelve months" in lines 4 and 5 be deleted.

Sir, as I have already pointed out, work for a continuous period of 150 days before the expected day of delivery would be required for any claim to maternity benefit. It is not necessary therefore that the words "in the twelve months" should stand.

Mr. PRESIDENT: Amendment moved: that in the first proviso to clause 4 of the Bill, the words "in the twelve months" in lines 4 and 5 be deleted.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, the original amendment No. 24 of Mr. Birendra Kishore Roy Chowdhury having failed, this amendment automatically fails. "12 months" has no application as the period will not be not continuous, as was contemplated in his previous amendment and that having failed, this amendment also fails. So, I oppose the amendment.

Mr. PRESIDENT: The question before the House is: that in the first proviso to clause 4 of the Bill, the words "in twelve months" in lines 4 and 5, be deleted.

(The amendment was negatived.)

Mr. NUR AHMED: I beg to move that after the first proviso to clause 4 of the Bill, the following Explanations I and II be added, namely:—

"*Explanation I.*—It is immaterial whether such woman has worked for the entire period of twelve months in the same factory or plantation or in several factories or plantations provided that all such factories or plantations belong to the same employer or are managed by the same managing agent.

Explanation II.—The period of twelve months referred to in the first proviso to section 4 may be either continuous or broken by a period or periods of absence on authorised casual or medical leave."

Sir, section 4 provides under what circumstances a woman worker would be entitled to get maternity benefit and the provision is that if she works for 150 days in twelve months, she would be entitled to that so that this twelve months' period needs to be clearly defined. So this Explanation II is necessary for having a clear idea of what is meant by twelve months here.

Mr. PRESIDENT: Amendment moved: that after the first proviso to clause 4 of the Bill, the following Explanations I and II be added, namely:—

"*Explanation I.*—It is immaterial whether such woman has worked for the entire period of twelve months in the same factory or plantation or in several factories or plantations provided that all such factories or plantations belong to the same employer or are managed by the same managing agent.

Explanation II.—The period of twelve months referred to in the first proviso to section 4 may be either continuous or broken by a period or periods of absence on authorised casual or medical leave."

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, it is rather difficult to accept the amendment as it stands. But there are certain points in it which are worthy of consideration.

Regarding Explanation II, Sir, I do not think it is at all necessary. The honourable member is probably aware that the women engaged in these tea plantations are really engaged more or less as casual labour. They are not permanent employees and so the question of continuous service or a period of service broken by periods

of absence on casual or medical leave cannot arise. They work in the tea plantations twice or thrice a week and therefore it would be very difficult to say when a woman worker has been given casual leave and when not.

As regards the first explanation, Sir, the object of that is to secure that if a woman who has been working in a plantation of a particular owner has been shifted from that plantation or factory to another plantation or factory of the same owner or employer, then in that case she should be entitled to the benefits of the Bill. It may be that a woman is in a certain plantation or factory for, say, about 50 days in a year and then after that she has removed to another plantation or factory of the same owner at the instance of that owner and serves there for another 100 days in the same year. In that case, inasmuch as she continues to be employed under the same employer or owner, it is but fair and just that she should be entitled to the maternity benefit. I accept therefore the principle embodied in Explanation I, but I think, Sir, that this could be secured very easily by a very small amendment and that very small amendment could be made in the first proviso to clause 4. If for the word "the" in the second line of that proviso, we use the word "any," that would secure the object of the honourable member. The proviso would then read thus:—

"Provided that a woman shall not be entitled to such maternity benefit unless she has worked in any factory or plantation of the employer from whom she claims maternity benefit for not less than 150 days in the twelve months immediately preceding the expected day of her delivery."

I am prepared to accept any amendment to the effect that in the first proviso to clause 4, in line 2, the word "any" be substituted for the word "the" before the word "factory". If the honourable member is prepared to withdraw his amendment, I shall be prepared to accept an amendment moved on the above lines.

Mr. NUR AHMED: Sir, in view of the statement made by the Hon'ble Minister, I beg leave of the House to withdraw my amendment.

Mr. PRESIDENT: Is it the pleasure of the House to permit Mr. Nur Ahmed to withdraw his amendment?

(The amendment was, by leave of the House, withdrawn.)

Mr. MESBAHUDDIN AHMED: Sir, I beg to move: that in the first proviso to clause 4, in line 2, for the word "the" the word "any" be substituted.

Mr. PRESIDENT: Amendment moved: that in the first proviso to clause 4, in line 2, for the word "the" the word "any" be substituted.

(The amendment was agreed to.)

Mr. BIRENDRA KISHORE ROY CHOWDHURY: Sir, I beg to move that in clause 4, after the first proviso, the following proviso be added, namely:—

"Provided further that she resides in the factory or plantation and/or continues at the factory or plantation for the period for which she enjoys maternity benefit."

Sir, the reasons for this amendment which I am moving are obvious. In case the woman worker who becomes eligible for the maternity benefit does not reside in the factory, she may enjoy the benefit from the estate and at the same time possibly do work elsewhere. Such a contingency should not be allowed to happen.

Mr. PRESIDENT: Amendment moved: that in clause 4 after the first proviso the following proviso be added, namely:—

"Provided further that she resides in the factory or plantation and/or continues at the factory or plantation for the period for which she enjoys maternity benefit."

The Hon'ble Mr. H. S. SUHRAWARDY: I regret, Sir, I see no justification for this amendment. I therefore oppose it.

Mr. PRESIDENT: The question before the House is: that in clause 4 after the first proviso the following proviso be added, namely:—

"Provided further that she resides in the factory or plantation and/or continues at the factory or plantation for the period for which she enjoys maternity benefit."

(The amendment was negatived.)

Dr. KASIRUDDIN TALUKDAR: Sir, I beg to move that in the third proviso of clause 4 of the Bill, in line 6, the following words be added after the words "due to" namely, "premature delivery or to."

Sir, the period of attending anti-natal treatment may be due to miscalculation on the part of the woman, and it may also be due to premature delivery even if the date of the inception of pregnancy is remembered by the particular woman. So to make the point more clear, I beg to move this amendment in a modified form.

Mr. PRESIDENT: Amendment moved: that in the third proviso to clause 4 of the Bill, in line 6, the following words be added after the words "due to," namely, "premature delivery or to."

The question before the House is: that in the third proviso to clause 4 of the Bill, in line 6, the following words be added after the words "due to," namely, "premature delivery or to."

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is: that clause 4, as amended, stand part of the Bill.

(The motion was agreed to.)

Clause 5.

Khan Bahadur NAZIRUDDIN AHMAD: I am sorry I cannot find my amendment No. 38A in the Order Paper. Perhaps it has not been circulated.

Mr. PRESIDENT: It has not been printed, but a cyclostyled copy has been circulated. I may inform the honourable members that amendments given notice of beyond the time fixed by the Chair cause a great deal of inconvenience. The Chair directs that in future if any honourable member gives notice of any amendment after the expiry of the time fixed, those amendments shall not be printed and if he wants them to be circulated, he must make 65 copies of such amendments available to the office, so that they may be circulated among the members. The Chair will decide whether they will be allowed to be discussed, when they are moved.

The question before the House: is that clause 5 stand part of the Bill.

(The motion was agreed to.)

Clause 6.

Mr. PRESIDENT: Clause 6 stand part of the Bill.

Mr. J. McFARLANE: Sir, I beg to move: that in sub-clause (*1*) of clause 6 of the Bill, after the words "expected day of her delivery," in lines 5 and 6, the words "and such medical practitioner shall after such examination furnish her with a certificate as to the expected day of her delivery" be added.

Sir, the first weekly instalment of the benefit is payable within seven days of the giving of notice by the woman of the probable date of her delivery, and the employer must permit her to absent herself

from work from the following day. This notice is, however, not linked up with the medical examination and there is nothing to prevent the woman from giving notice before her medical examination. The woman may be considerably out of her calculation as regards the date of her delivery and she might give notice two months before the actual date of delivery. The result in such cases will be that all the benefits to which she is entitled under the Act will be paid to her before the date and, moreover, she would be absent from work for two months before that date.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*1*) of clause 6 of the Bill, after the words "expected day of her delivery," in lines 5 and 6, the words "and such medical practitioner shall after such examination furnish her with a certificate as to the expected day of her delivery" be added.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support this amendment. This supplies an omission in the Bill. There is no provision in the Bill that the medical officer shall examine the woman: that omission has been supplied in this amendment. I had a similar amendment—No. 45—but this amendment will not necessitate the moving of that amendment. In these circumstances, I support the amendment.

Mr. PRESIDENT: The question before the House is: that in sub-clause (*1*) of clause 6 of the Bill, after the words "expected day of her delivery," in lines 5 and 6, "and such medical practitioner shall after such examination furnish her with a certificate as to the expected day of her delivery" be added.

(The amendment was agreed to.)

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move: that in clause 6 of the Bill, in sub-clause (*1a*), in paragraph (*a*), for the word "Where" occurring at the beginning, the word "where" be substituted.

Sir, the word "where" occurs in the middle of a sentence; so, it should begin with a small "w" instead of a capital "W".

Mr. PRESIDENT: The question before the House is: that in clause 6 of the Bill, in sub-clause (*1a*), in paragraph (*a*), for the word "Where" occurring at the beginning, the word "where" be substituted.

(The amendment was agreed to.)

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move: that in clause 6 of the Bill, in sub-clause (*1a*), in paragraph (*b*), for the incomplete word "permi" in line 1, the word "permit" be substituted.

Sir, I suppose the word "permi" has been printed by mistake. But as it is a Legislative Bill, we should be very careful in drafting it. If the Secretary by any chance overlooks this printing mistake, we shall be committing a blunder in sending it incomplete to the other House with the result that they would send it back to this House again. So it is far better to prevent the mistake before it is sent to the other House.

Mr. PRESIDENT: The question before the House is: that in clause 6 of the Bill, in sub-clause (*1a*), in paragraph (*b*), for the incomplete word "permi," in line 1, the word "permit" be substituted.

(The amendment was agreed to.)

Mr. BIRENDRA KISHORE ROY CHOWDHURY: Sir, I move: that for the words "arrange that the services of a medical practitioner and a nurse approved in this behalf by prescribed medical authority are always available" in sub-clause (*2*) of clause 6, the words "arrange or secure the services of a medical practitioner and a nurse approved in this behalf by the prescribed medical authority" be substituted.

Sir, the language used in sub-clause (*2*) of clause 6 of the Bill seems to convey the idea that even a small garden with few resources at its command will be required to maintain at all times a medical practitioner and a nurse, approved by the prescribed medical authority, in the estate. This would, however, be an unnecessary burden upon the estate. It may be that once or twice the services of a medical practitioner and a nurse will be required for purposes of maternity benefit. So, it seems that the amendment which I am moving may provide adequate facilities for the end in view. Arrangement may be made by two or three gardens together for maintaining a medical practitioner and a nurse in this regard. What is really wanted is that a woman advanced in pregnancy should be taken proper care of before, at the time of, and after delivery. If this purpose is served by some co-operative method, it will be unwise to insist on a more stringent system.

Mr. PRESIDENT: Amendment moved: that in clause 6 of the Bill in sub-clause (*2*) for the words "arrange that the services of a medical practitioner and a nurse approved in this behalf by prescribed medical authority are always available," in lines 1 to 4, the words "arrange or secure the services of a medical practitioner and a nurse approved in this behalf by the prescribed medical authority" be substituted.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I do not think that the amendment moved is an improvement. It is intended that a tea garden should make the services of a medical practitioner always available to these women. It may be that if there are several gardens, several small gardens, they may pool their resources together and have one medical practitioner in common to look after the interests of the women workers of their plantations; but it is not intended that the services of these medical practitioners may be casual or may be available only when it is necessary or only when a woman goes up to the employer and asks him to arrange for the services or to secure the services of a medical practitioner and that then and then only she shall secure those services. I think, Sir, that the amendment should be opposed for these reasons.

Mr. PRESIDENT: The question before the House is: that in clause 6 of the Bill in sub-clause (2) for the words "arrange that the services of a medical practitioner and a nurse approved in this behalf by prescribed medical authority are always available," in lines 1 to 4, the words "arrange or secure the services of a medical practitioner and a nurse approved in this behalf by the prescribed medical authority" be substituted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move: that in clause 6 of the Bill, in the marginal note, for the word "workers," the word "women" be substituted.

Sir, we have defined the word "woman" to mean a woman worker. In these circumstances, that word which has been once defined should be uniformly used and that is the more proper word.

Mr. PRESIDENT: It is true that marginal notes are not a formal part of a Bill, but they should be as correct as possible.

The question before the House is: that in clause 6 of the Bill, in the marginal note, for the word "workers," the word "women" be substituted.

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is: that clause 6, as amended, stand part of the Bill.

(The motion was agreed to.)

Clause 7.

Mr. PRESIDENT: Clause 7 stand part of the Bill.

The question before the House is: that clause 7 stand part of the Bill.

(The motion was agreed to.)

Clause 8.

Mr. PRESIDENT: Clause 8 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in clause 8 of the Bill, in sub-clause (*1*), for the words "entitled to maternity benefit," in line 1, the words "who claims or intends to claim" be substituted.

Mr. PRESIDENT: Amendment moved: that in clause 8 of the Bill, in sub-clause (*1*), for the words "entitled to maternity benefit," in line 1, the words "who claims or intends to claim" be substituted.

The question before the House is: that in clause 8 of the Bill, in sub-clause (*1*), for the words "entitled to maternity benefit," in line 1, the words "who claims or intends to claim" be substituted.

(The amendment was agreed to.)

Mr. BIRENDRA KISHORE ROY CHOWDHURY: Sir, I beg to move: that in clause 8 of the Bill, in sub-clause (*1*), the words "either orally in person or," in line 4, be deleted.

Sir, such oral notice as provided in sub-section (*1*) (*a*) of section 8 should not be regarded as sufficient for maternity benefit. It is good that the notice should be given in writing so that it may be in the file and the intimation may be definite. Oral notice not only may be indefinite and vague but may even elude the attention of the proper authorities. Besides, I do not think that there will be any difficulty for the woman labourer to give notice in writing.

Mr. PRESIDENT: Amendment moved: that in clause 8 of the Bill, in sub-clause (*1*), the words "either orally in person or," in line 4, be deleted.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I think this latitude should be given to women.

Mr. PRESIDENT: The question before the House is: that in clause 8 of the Bill, in sub-clause (*1*), the words "either orally in person or," in line 4, be deleted.

(The amendment was negatived.)

Khan Bahadur M. SHAMSUZZOHA: Sir, I beg to move: that in sub-clause (*1*) of clause 8 of the Bill, for the word "manager," in line 6, the word "employer" be substituted.

Sir, the word "employer" has already been defined in sub-clause (*b*) of clause 2. Therefore, to be consistent all through, I have moved this amendment.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*1*) of clause 8 of the Bill, for the word "manager," in line 6, the word "employer" be substituted.

The question before the House is: that in sub-clause (*1*) of clause 8 of the Bill, for the word "manager", in line 6, the word "employer" be substituted.

(The amendment was agreed to.)

Mr. J. McFARLANE: Sir, I beg to move that in sub-clause (*1*) of clause 8 of the Bill, for the words "may therein," in line 8, the words, figures and brackets "submit at the same time to such manager the certificate referred to in sub-section (*1*) of section 6 and may" be substituted.

May I make a slight amendment to this amendment, namely, in place of "manager", I have used the word "employer"?

Mr. PRESIDENT: Yes, you move it in the altered form.

Mr. J. McFARLANE: Sir, I beg to move that in sub-clause (*1*) of clause 8 of the Bill, for the words "may therein," in line 8, the words, figures and brackets "submit at the same time to such employer the certificate referred to in sub-section (*1*) of section 6, and may" be substituted.

Sir, this amendment is merely consequential to the acceptance by the House of my previous amendment in regard to the furnishing of a certificate by the medical officer.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*1*) of clause 8 of the Bill, for the words "may therein," in line 8, the words, figures and brackets "submit at the same time to such employer the certificate referred to in sub-section (*1*) of section 6, and may" be substituted.

The question before the House is: that in sub-clause (*1*) of clause 8 of the Bill, for the words "may therein," in line 8, the words, figures and brackets "submit at the same time to such employer the certificates referred to in sub-section (*1*) of section 6 and may" be substituted.

(The amendment was agreed to.)

Mr. BIRENDRA KISHORE ROY CHOWDHURY: I beg to move: that in clause 8 of the Bill, in sub-clause (*1*), after the words and figure "for purposes of section 9," occurring at the end, the words "and the name and the address of such person shall be supplied to the employer along with the written notice" be added.

Sir, the object of this amendment is also obvious. It is not enough that a person is nominated by the woman worker entitled to maternity benefit. In case of death of the worker concerned, it is necessary that the full name and address of such person should be supplied beforehand to the employer. It is likely, Sir, that in the prescribed form such details may be required to be filled in. But I believe that in the Bill itself there should be necessary provision to that effect; otherwise, there is every risk of confusion afterwards.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, this is unnecessary. If you insert these words after the words "for purposes of section 9," then the reason why the nomination should be made in the prescribed form is not apparent. As a matter of fact, for purposes of section 9, it is essential, because section 9 provides for payment of maternity benefit to the person nominated by the woman in case of her death. I therefore oppose the amendment.

Mr. PRESIDENT: The question before the House is: that in clause 8 of the Bill, in sub-clause (*1*) after the words and figure "for purposes of section 9" occurring at the end, the words "and the name and address of such person shall be supplied to the employer along with the written notice" be added.

(The amendment was negatived.)

Mr. J. McFARLANE: Sir, I beg to move: that in sub-clause (*2*) of clause 8 of the Bill, for the words, figure and brackets "referred to in sub-section (*1*) is received," in lines 1 and 2, the words, figure and brackets "and the certificate referred to in sub-section (*1*) are received" be substituted; and for the words "such notice is received," in line 5, the words "such notice and certificate are received" be substituted.

Here, again, my amendment is merely consequential to the previous amendment accepted by the House.

Mr. PRESIDENT: The question before the House is: that in sub-clause (*2*) of clause 8 of the Bill, for the words, figure and brackets "referred to in sub-section (*1*), is received," in lines 1 and 2, the words, figure and brackets "and the certificate referred to in sub-section (*1*) are received" be substituted; and for the words "such notice is received" in line 5, the words "such notice and certificate are received" be substituted.

(The amendment was agreed to.)

Mr. J. McFARLANE: I beg to move: that in sub-clause (*3*) of clause 8 of the Bill, after the words "giving of the notice," in line 5, the words "together with the certificate" be inserted.

Sir, this is a consequential amendment.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*3*) of clause 8 of the Bill, after the words "giving of the notice," in line 5, the words "together with the certificate" be inserted.

The question before the House is: that in sub-clause (*3*) of clause 8 of the Bill, after the words "giving of the notice," in line 5, the words "together with the certificate" be inserted.

(The amendment was agreed to.)

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I beg to move: that the following proviso be added to sub-clause (*3*) of clause 8 of the Bill, namely:—

"Provided that, if for miscalculation or any other reason, the delivery is delayed beyond the expected date of delivery, the woman shall be paid additional weekly doles at the same rate until the day of the delivery."

Sir, I consider this provision very necessary in view of the fact that the expected date of delivery cannot be fixed exactly. Very often there may be a difference of 2 or 3 weeks, because according to medical science ordinarily the period of pregnancy is from 280 to 311 days. So, there is every chance of delay in delivery by 2 or 3 weeks. There is no provision in the Bill in case there is delay. She will be given payment weekly and the result will be that she will have nothing to fall back upon during the intervening period and will thus be in a helpless condition, and this period will be just before the date of delivery. For this I think some additional allowance should be given to the woman, in case she goes beyond the expected day of delivery. With these words, I commend my amendment to the acceptance of the House.

Mr. PRESIDENT: Amendment moved: that the following proviso be added to sub-clause (*3*) of clause 8 of the Bill, namely:—

"Provided that, if for miscalculation or any other reason, the delivery is delayed beyond the expected date of delivery, the woman shall be paid additional weekly doles at the same rate until the day of the delivery."

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I am sorry I cannot see eye to eye with my friend Khan Bahadur Muazzamuddin Hosain on this question. I have given very careful consideration to this matter, because I was anxious myself to see that owing to some *bonâ fide* mistake or miscalculation the woman may not be deprived of an extra payment. But I find that the administrative difficulties will be increased to such an extent that we should rather let the Bill stand where it is and see how it works. In the first place, the honourable member was rather unfortunate in not being able to move the amendment given notice of by him to clause 5. Without that amendment to clause 5, which made clause 5 subject to the provisions of the proviso which he is now moving, the result will be that whereas clause 5 makes Rs. 12 compulsorily payable, under this proviso more than Rs. 12 will become payable. The fear of the honourable member is this, that if owing to delayed delivery the child is not produced on the expected day of delivery and is born one or two weeks later, then there will be a hiatus so far as the payment of allowance is concerned, and she will not get any allowance during the intervening period. To cite an example, suppose the expected day of delivery happens to be on the 8th September and the child is born on the 15th September, then my friend's fear is that for this period, from 8th to 15th September, the woman will not be paid at all. But that is not so. The Bill provides that the woman shall be paid for 8 weeks and the interpretation of that is 8 successive weeks without any hiatus. If necessary, I am prepared to accept the word "successive," but the reason why the word "successive" has not been inserted by the Select Committee, is that according to legal opinion, as the Bill stands, she will have to be paid for 8 weeks without any interruption. Further, the Bill provides that payment will begin a week after the notice has been given. It would also appear that a woman who intends to claim maternity benefit is to go to the doctor and get a certificate regarding the expected day of her delivery. After getting that certificate, she is expected to serve a notice on the employer along with that certificate regarding the expected day of her delivery and thereafter certain consequences will ensue, namely, that she will have to attend the clinic or the hospital or the medical practitioner, and that she will have to get a certificate for light work and so on and so forth. But the payment is to commence one week after the notice is given. Consequently, 1 week will

elapse before the payment begins, and normally she will have payment for 3 weeks only before the day of her delivery and for 5 weeks thereafter. If there is some delay in delivery owing to miscalculation by, say, a week or 2 weeks, then too she will continue to get the amount before the day of her delivery and she will not lose anything thereby nor gain anything. The result of this proviso of the Khan Bahadur would be that a woman would be entitled to get more than what we have provided for in the Bill whenever there is any case of delayed action. Now, Sir, we can conceive of cases where a woman may collude with a doctor and get a certificate 2 months before the day of her delivery and thereby get, under this proviso of the Khan Bahadur, 4 weeks' extra payment. This may possibly lead to abuse. Now, as I have pointed out, a woman is not likely to experience any difficulty because the payment will start a week after the notice, and since the payments will be continuous, there will not be any hiatus owing to delayed delivery. Instead of receiving the benefit for 5 weeks after the date of her delivery, as she would in normal cases, it is possible that she may get payment for only 3 weeks or so in such delayed cases, but I do not think, Sir, that after having come to an agreement with the employers that they shall pay for 8 weeks in all and that the payment shall be 12 rupees, I would be justified in increasing the amount. I would rather ask the Khan Bahadur to consider the effect of so doing now. If we put a burden on the employers which they do not accept voluntarily, the result may be that they will attempt to escape from the additional burden that we may now put on them, and will not work the provisions of the Act in the spirit in which they are at present prepared to work it. Having accepted the terms and the provisions of the Bill, they will pay the amount in a proper spirit and will make no attempts to evade the payments; whereas if we add on a burden which they have not as yet considered, they may make up for the increased payment by resorting to various devices, which in the end will be against the interests of the women. I think that the goodwill of the employers is of much greater importance to the poor women workers than the extra 1 rupee 8 annas a week which my friend the Khan Bahadur would like to secure to some women and that in stray cases. I, therefore, hope that the Khan Bahadur will not press his amendment, but that he will be good enough to withdraw it.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I ask leave of the House to withdraw my amendment.

Mr. PRESIDENT: Is it the pleasure of the House to permit Khan Bahadur Saiyed Muazzamuddin Hosain to withdraw his amendment?

(The amendment was, by leave of the House, withdrawn.)

Mr. J. McFARLANE: Sir, I beg to move: that in sub-clause (*5*) of clause 8 of the Bill, for the words "the woman," appearing in line 6, the words "both parties" be substituted.

Sir, as the clause now stands, the Inspector of Factories may make a decision on the complaint before him without ascertaining the employer's view-point. So, in order that the Inspector of Factories may hear both the parties before arriving at a decision, I have moved this amendment.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*5*) of clause 8 of the Bill, for the words "the woman," appearing in line 6, the words "both parties" be substituted.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I have no objection to accept this amendment.

Mr. PRESIDENT: The question before the House is: that in sub-clause (*5*) of clause 8 of the Bill, for the words "the woman," appearing in line 6, the words "both parties" be substituted.

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is: that clause 8, as amended, stand part of the Bill.

(The motion was agreed to.)

Clause 9.

Mr. PRESIDENT: The question before the House is: that clause 9 stand part of the Bill.

(The motion was agreed to.)

Clause 10.

Mr. PRESIDENT: The question before the House is: that clause 10 stand part of the Bill.

(The motion was agreed to.)

Clause 11.

Mr. PRESIDENT: Clause 11 stand part of the Bill.

Mr. BIRENDRA KISHORE ROY CHOWDHURY: Sir, I beg to move: that in clause 11 of the Bill, the following words be added at the end, namely:—

"and the employer shall be at liberty to withhold payment of the whole amount or the part of the maternity benefit due under section 5."

Sir, the section as it now stands in the Bill provides for a fine to which a woman worker may be sentenced, if she works elsewhere during the 4 weeks immediately following the day of her delivery. It is likely that the provision for such punishment will itself be a sufficient deterrent against the woman taking up such work. But if the woman is convicted, it is desirable that the estate which was giving her maternity benefit should be exempted from it.

Mr. PRESIDENT: Amendment moved: that in clause 11 of the Bill, the following words be added at the end, namely:—

"and the employer shall be at liberty to withhold payment of the whole amount or the part of the maternity benefit due under section 5."

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I do not wish to add penalty to a penalty.

Mr. PRESIDENT: The question before the House is: that in clause 11 of the Bill, the following words be added at the end, namely:—

"and the employer shall be at liberty to withhold payment of the whole amount or the part of the maternity benefit due under section 5."

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is: that clause 11 stand part of the Bill.

(The motion was agreed to.)

Clauses 12 and 13.

Mr. PRESIDENT: The question before the House is: that clauses 12 and 13 stand part of the Bill.

(The motion was agreed to.)

Mr. PRESIDENT: Clause 14 stand part of the Bill.

The question before the House is: that clause 14 stand part of the Bill.

(The motion was agreed to.)

Clause 15.

Mr. PRESIDENT: Clause 15 stand part of the Bill.

The question before the House is: that clause 15 stand part of the Bill.

(The motion was agreed to.)

Clause 16.

Mr. PRESIDENT: Clause 16 stand part of the Bill.

The question before the House is: that clause 16 stand part of the Bill.

(The motion was agreed to.)

Clause 17.

Mr. PRESIDENT: Clause 17 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move: that in clause 17 of the Bill, in sub-clause (*2*), in item (*b*), for the word "Inspector," the words "the Inspector" be substituted.

Sir, this is an obvious amendment, and I need not make any speech on it.

Mr. PRESIDENT: The question before that House is: that in clause 17 of the Bill, in sub-clause (*2*), in item (*b*), for the word "Inspector," the words "the Inspector" be substituted.

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is: that clause 17, as amended, stand part of the Bill.

(The motion was agreed to.)

Clause 18.

Mr. PRESIDENT: Clause 18 stand part of the Bill.

The question before the House is: that clause 18 stand part of the Bill.

(The motion was agreed to.)

Preamble and Title.

Mr. PRESIDENT: The Title and Preamble be added to the Bill.

The question before the House is: that the Title and the Preamble be added to the Bill.

(The motion was agreed to.)

The Hon'ble Mr. H. S. SUHRAWARDY: I beg to move: that the Bengal Maternity Benefit (Tea Estates) Bill, 1941, as settled in the Council, be passed.

Sir, the Bill had been greatly improved in the Select Committee, and I thank the honourable members for their co-operation and the care with which they examined the various clauses of the Bill. It has been further improved in the House by the addition of certain small matters which were left out by the Select Committee, and I thank the honourable members of the House for their help in improving the Bill. The Bill is being introduced under favourable auspices, and I hope that there will not be any difficulty in its application.

Mr. PRESIDENT: Motion moved: that the Bengal Maternity Benefit (Tea Estates) Bill, 1941, as settled in the Council, be passed.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, the Bill, as it was originally introduced in this House, revolved round one idea and that was that everything must hang round the actual date of delivery; for, covering an exact period of 4 weeks before that date, the woman was required to perform certain duties. Any failure to perform them would have deprived her of all benefits under the Bill. There were penal provisions, both for the owner and the women, for failure to foresee an event which cannot be foreseen at all. So, I humbly offered certain suggestions before the Select Committee for consideration and incorporation in the Bill. The members of the Select Committee accepted my suggestions and have considerably improved the Bill, and I am grateful to them. But I feel that there are traces of old ideas still lingering in the Bill. We have still that "expected date of delivery." I presume the "expected date of delivery" means the date which was *provisionally fixed* by the medical authority as date of delivery and much work has got to be done on the basis of that date. You cannot call it the "expected" date of delivery. So, why not call it the provisional date of delivery? I submit, Sir, that no medical authority has yet been able to discover any means to enable one to expect a date of delivery. Even the Bombay Mail, which starts at a particular time and which has a carefully tested and carefully arranged time-table, often arrives late. There is no means of predicting the

date with any degree of exactitude. Now, Sir, as Khan Bahadur Muazzamuddin Hosain pointed out by an amendment, that a woman may believe that her date of delivery would be on a certain date and the doctor agrees with her and everybody agrees as to the expected day; and on that expectation she stops her duties exactly for 4 weeks immediately preceding that date. But somehow or other the arrival of the baby is delayed by a week, 2 weeks, a month or even 2 months or more. Now, she is entitled to maternity benefit for the first 4 weeks before the expected date of her delivery. But she is not entitled to any benefit between the expected date and the actual date of delivery. She would be in greater danger and in greater need of protection during this period, and yet she would get no maternity benefit for this critical period. But I hope that in actual working all these things will be smoothened out and we would acquire some amount of experience as to how the Bill works in practice. But, considering the other provisions of the Bill, I should submit that, in spite of the defects, the Bill will render considerable amount of benefit to the poor women for whose benefit it is designed. In these circumstances, I submit that the Bill, as settled in the House, should be passed. There are some drafting amendfents which have been made, and they also have considerably improved the Bill. But there are certain theoretical defects—and there will be theoretical defects in every Bill which is passed by human beings—and I should only request the Hon'ble Minister and his department to watch the working of the Bill carefully and, if any defect is noticed, to try to improve the state of affairs as early as possible. With these words, Sir, I support the third reading of the Bill.

Mr. J. MCFARLANE: Sir, I rise to support the motion before the House. The Bill merely seeks to make compulsory those practices which are already in force in the vast majority of the tea gardens in this province and only those employers who do not recognise that they have duties and obligations to their workers are likely to take exception to any of the clauses in the Bill.

The Bill revolves round three obligations. The employers are bound to provide free medical advice and treatment to expectant mothers and also to pay 12 rupees in cash to those women workers who are qualified to receive it. On the other hand, the woman must take advantage of the free medical treatment and the medical facilities provided for her. I think there is nothing onerous nor difficult to bear in any of these three obligations and, as I said, only very few people can possibly take exception to such obligations and duties. I support the third reading of the Bill.

Khan Bahadur M. SHAMSUZZOHA: Sir, I also support the motion that has been moved by the Hon'ble Minister. Sir, this is a good piece

of legislation which was already overdue. The provisions that have been made in the Bill are intended to ensure benefit to women workers in the tea estates. Sir, the condition precedent to entitle a woman worker to maternity benefit under this Bill has been laid down in the proviso to section 4 and the condition is that she must put in work for at least 150 days before the expected day of her delivery. Sir, this is the point on which her right to maternity benefit depends. I have no doubt in my mind that questions will arise as to whether she has put in work for that period or not. No provision has been made in the Bill to deal with such questions. To fill up the deficiency in this connection, I gave notice of an amendment, but on consideration in our Party meeting it was thought advisable not to move it as the administrative department concerned has assured the Hon'ble Minister that want of some such provision will not be a bar. But personally speaking, I have still considerable doubt in my mind that inasmuch as no clear provision has been made in this Bill in this regard, difficulty would arise. However, Sir, I trust to the wisdom of the Department and I hope that difficulties if they arise will be solved by the Department itself, if they are competent to do so. And I also hope that if in future such defects cannot be removed by the Department itself, an amending Bill would be brought forward for removing those defects.

Now, Sir, the most important benefit is conferred in that part of the Bill where it is said that after the expected date of delivery has been ascertained from the medical officer she must abstain from work for 4 weeks just before the delivery. I think strict supervision will be necessary for ensuring that this provision of the Bill is given effect to both by the employee and the employer and also for seeing that nobody is victimised. Sir, the usefulness of a measure like this will depend on seeing whether this provision is strictly adhered to and complied with by the workers as well as by the employers; a sympathetic consideration in carrying out the provisvion of the Bill on the part of the Inspector of Factories will also be essentially necessary.

In conclusion, I hope that the Department will watch carefully the working of the Bill, and I also hope that the provisions of the Bill will go a great way to give relief to the women workers in the tea gardens.

Dr. K. S. RAY: Sir, I congratulate the Hon'ble Minister on bringing forward such a Bill in the House and the members of this House for the unanimous support which they have given to the principles underlying this Bill. I am sure if some defects are found in the actual working of the Bill, Government will bring amendments to rectify them after they have gained experience of the working of the Act. No Bill, Sir, can be a perfect Bill, and the right of the Legislature is always there to change any imperfection that may come to notice in the actual working of the Bill. Therefore, the misgiving in

the minds of some honourable members which may still exist as to the ambiguities in the actual definition of the expression "expected day of the delivery" and other things will be rectified in due course.

Sir, I should only like to say one or two things. The first is that I congratulate the House in accepting the principle that after all the employer is responsible for the treatment, not only treatment but also for paying certain amount of money, during the period when a woman is confined particularly towards the beginning of the confinement and after the confinement is over for a period of one month. Sir, I find that in the Bill there is provision for giving monetary relief. I do not care what the amount is, and also whether it is adequate or not. To my mind that is the least part of it. But it seems to me that the greatest and most important point in the Bill is that it makes it compulsory for a woman worker to ask for medical examination and treatment before confinement and after confinement. Numerous cases of infant mortality occur due to lack of care during the ante-natal period; and injuries to the mother during the period following the period of delivery are no less numerous. This Bill makes it compulsory for the woman to be examined by a medical officer before she can get any monetary relief. That seems to me to be a great advantage, perhaps greater than the monetary relief that the woman gets, as it will conduce greatly to the improvement of health of the workers in the plantations. This Bill will also, I am glad to see, regularise the act of those tea estates who have already been actually following this practice, while at the same time it will compel those estates that have not yet taken to this. It seems to me that this is a recognition of the principle of compulsory health insurance. Although that is more apposite in respect of wider spheres, yet to a certain extent this is applicable in the restricted sphere of the health of women workers in tea plantations. I welcome this Bill and hope that the Hon'ble Minister who is so very keen for the welfare of the labouring classes in this province will divert his energy and attention towards solving the wider problem of the health insurance of all classes of workers in the province.

I again congratulate the House as well as the Hon'ble Minister on the manner in which this Bill has been put through.

Mr. NUR AHMED: Sir, I rise to congratulate the Hon'ble Minister on the passage of this Bill. He is eminently fitted to come before the House with a Bill of this nature. He was once a prominent Labour Leader and he knows how labour has suffered in the past. He is also familiar with their difficulties, inconveniences and discomforts. This Bill is expected to give relief to certain women who are compelled to work in factories and plantations. Sir, we have heard of the miserable

condition of women working in the tea plantations and factories. Sir, as has been mentioned by the honourable member who has just sat down, the most beneficent provision in the Bill consists in the fact that it will compel these work-women to get medically examined before and after delivery. Even in many towns there is no such arrangement, and I have no doubt that the services of medical men at this stage will reduce infant mortality to a great extent and help in keeping up the health of these poor women. With these few words, I congratulate the Hon'ble Minister once more on the passage of his Bill, and I support the motion for the third reading of the Bill.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I thank the honourable members for the support they have given to the Bill.

I may assure Khan Bahadur Shamsuzzoha that there will be no difficulty at all in investigating any complaint that may be made to the Labour Department on the score of an employer not paying a maternity benefit to which the woman is entitled under the Act. After all, the Act provides for prosecutions instituted at the instance of the Inspectors of Factories or with their sanction, and in order that prosecutions may be instituted, there must be complaints which have been enquired into by the Inspector of Factories. Therefore, the scheme of the Act is that in case an employer does not give a benefit to which the woman worker is entitled, she can approach the Inspector of Factories or the Labour Department or the Government or even the Minister himself, with her complaint, which will be properly investigated and if in the first instance the decision goes against her, she will be entitled to appeal to the Labour Commissioner and thereafter, if it is found that the employer is not giving the benefit to which she is entitled, that employer will be prosecuted. Hence, there is no reason why there should be a specific clause in the Bill to the effect that when there is a complaint it should be investigated by the Inspector of Factories or by the Labour Commissioner. In effect, that provision has been made, for a prosecution implies that the departments of Government expect to receive complaints which they will have to investigate.

Sir, as in the case of other Bills of this type which are being worked in the province, Government will watch the execution of this Bill with care and, if necessary, will bring in such amendments which experience may prove to us to be necessary for giving the women workers, and the workers in general, the benefit which we wish to secure for them. I have, therefore, not accepted the amendment of Khan Bahadur Muazzamuddin Hosain, which requires further consideration from various points of view and which, perhaps, while appearing to benefit the woman worker more in the first instance, may ultimately not be to her benefit.

Mr. PRESIDENT: The question before the House is: that the Bengal Maternity Benefit (Tea Estates) Bill, 1941, as settled in the Council, be passed.

(The motion was agreed to.)

The House now stands adjourned till 2-15 p.m. to-morrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Tuesday, the 9th September, 1941.

Members absent.

The following members were absent from the meeting held on the 8th September, 1941:—

(1) Mr. Kader Baksh.
(2) Rai Bahadur Keshab Chandra Banerjee.
(3) Mr. Srish Chandra Chakraverti.
(4) Mr. Narendra Chandra Datta.
(5) Mr. Kamini Kumar Dutta.
(6) Khan Bahadur Alhadj Khwaja Muhammad Esmail.
(7) Mr. Kanai Lal Goswami.
(8) Mr. Mohamed Hossain.
(9) Maulana Muhammad Akram Khan.
(10) Rai Bahadur Brojendra Mohan Maitra.
(11) Begum Hamida Momin.
(12) Mr. Naresh Nath Mookerjee.
(13) Dr. Radha Kumud Mookerjee.
(14) Mr. Ranajit Pal Chowdhury.
(15) Mr. J. B. Ross.
(16) Rai Sahib Jatindra Mohan Sen.

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THE BENGAL LEGISLATIVE COUNCIL DEBATES

Second Session—No. 24.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 9th September, 1941, at 2-15 p.m., being the twenty-fourth day of the Second Session, pursuant to section 62(*2*)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

Obituary Reference.

Mr. PRESIDENT: Honourable members of the Council: At the outset of the proceedings of the House, the Chair deems it proper to convey to the honourable members the news which reached Calcutta yesterday of the death in England of Sir Hugh Stephenson.

He entered the Indian Civil Service in 1895 and continued to be associated with it for 41 years—which was remarkable indeed. During his pretty long connection with Bengal he had filled up a variety of responsible offices in the districts as well as in the Secretariat, culminating in two officiating terms as the Governor of this Province. He endeared himself to all sections of the people by his amiable disposition and sympathetic treatment. His services were also requisitioned for very important offices outside this province. Thus, he did duty with the Public Services Commission of 1912, the Finance Department of the Government of India, the War Office during the last Great War and the India Office after its termination.

He came back to India as the Governor of Bihar in 1927. He showed considerable tact and ability in administering this province in recognition whereof he was called upon to serve as the Governor of Burma from 1932 to 1936. Since 1937 he acted as the Adviser to the Secretary of State for Burma.

His death will be mourned by his numerous friends and admirers in this province.

May his soul rest in peace!

The Chair desires the honourable members to rise in their places as a mark of respect to the memory of the deceased.

(After the members had resumed their seats.)

The condolences of the House will be duly communicated to the members of the bereaved family.

QUESTIONS AND ANSWERS

Dacca riot.

82. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) since when the second recrudescence of riots at Dacca took place, and how long it lasted;

(*b*) how many people were injured in the second riot, and how many were killed;

(*c*) what is the total number of persons injured during the first riot there, and how many were killed;

(*d*) whether the courts, schools, colleges, shops and bazars are open, and whether the Government apprehend any further disturbances; and

(*e*) what steps have been taken by the Government to restore good feelings between the Hindus and the Mussalmans in Dacca?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) Disturbances broke out again on the 26th June. Since the 11th July there has been no reported assault.

(*b*) Injured 81 and killed 33.

(*c*) Injured 232 and killed 61.

(*d*) Conditions are now normal and no further disturbance is apprehended.

(*e*) Conciliation Committees are at work.

83. Rai Sahib JOGENDRA NATH ROY: Will the Hon'ble Minister in charge of the Home Department be pleased to give the latest information regarding the recent Dacca riot on the points given below:—

(*a*) total number of deaths, injured and arrests, from April 9th to this date, giving separate details for Hindus, Muslims and other communities;

(*b*) probable origin of the fresh outbreak in the period;

(*c*) rough estimate of the value of property destroyed during the period; and

(*d*) steps taken by the Government during the period to bring the situation under control?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*)—

	Muslims.	Hindus.	Total.
Killed	.. 23	33	56
Injured	... 64	59	123
Arrested	... 932	1,511	2,443

(*b*) (*i*) Jostling and rough handling of a Muslim spectator during the *Rathajatra*.

(*ii*) Subsequent assault upon a Muslim alleged to be a pickpocket.

(*iii*) Stabbing of a Muslim idiot.

(*iv*) Pelting of brickbats and soda water bottles by Muslims and Hindus.

(*v*) Stoning of a mosque.

(*vi*) A raid by Muslims on a Hindu house, and stabbing of three Hindus.

(*c*) I have no information.

(*d*) The measures taken on the outbreak of the disturbances were indicated in the replies to short notice questions by Mr. Lalit Chandra Das on 24th March, 1941, and 28th March, 1941. In addition to these measures the military were called out on 14th April, 1941, and 6th May, 1941. On the recurrence of trouble on the 26th June, further measures were taken as follows:—

A state of emergency was declared, the Defence Scheme was put into operation on 26th June, 1941, and troops were called out in aid of the civil power. Orders were promulgated on 27th June, 1941, prohibiting the assembly of more than 4 persons, the carrying of anything capable of being used as a weapon of offence and movement out of doors between 7 p.m. and 5-30 a.m. Strong additional police reinforcements were also sent to the city. Military were called out and placed in charge of a section of the town.

Rai Sahib JOGENDRA NATH ROY: Arising out of (*b*). Was the origin of the fresh outbreak stated herein found after due official enquiry?

The Hon'ble Khwaja Sir NAZIMUDDIN: This is according to the report of the local officers.

Rai Sahib JOGENDRA NATH ROY: Who enquired into the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: There is no question of enquiry. This report is supplied by the local officer from the information placed at his disposal.

Income of the Kothal Kali and Bispore Khaur Chauka ferries.

84. Rai Bahadur BROJENDRA MOHAN MAITRA: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to lay on the Table a statement showing the income of the following ferries in 1817, in 1855, in 1864 and in 1940, namely:—

(*i*) the Guzar Gaurangapur or Kothal Kali Ferry; and

(*ii*) the Bispore Khaur Chauka Ferry?

(*b*) Has there been any fall in the revenue, in any year mentioned above? If so, will the Hon'ble Minister be pleased to state the reasons for such fall?

(*c*) Will the Hon'ble Minister be pleased to lay on the Table the copies of all the correspondence passed between J. P. Ward, Esq., Acting Secretary to the Board of Revenue, and W. R. B. Bonnett, Esq., Collector of Rajshahi, in 1817, with regard to the ferries mentioned above?

(*d*) Will the Hon'ble Minister be pleased to refer to the answer to Council question No. 41, given on the 12th August, 1938, and state if enquiries were made to the office attached to the Keeper of Records, Bengal?

(*e*) Is it a fact that some copies had already been supplied to some private individuals, and that the answer referred to above was given without making a thorough search?

(*f*) Will he be pleased to lay on the Table, the copy of the said paper asked for in the said question?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Shrischandra Nandy, of Cossimbazar): (*a*) The two ferries along with another ferry called Amirpur Ferry were settled by the Rajshahi Municipality in 1940-41 in one lot at Rs. 6,000. Figures for other years are not available.

(*b*) As stated above the information is not available.

(*c*) and (*f*) I do not think it advisable to produce copies of these official documents.

(*d*) No.

(*e*) I have no information.

As stated in the reply to question (*d*) above, no enquiry was made of the Keeper of Records on the last occasion.

The Bengal Raw Jute Taxation Bill, 1941 (as passed by the Assembly).

Mr. PRESIDENT: The House will now discuss the Bengal Raw Jute Taxation Bill, 1941, clause by clause.

Clause 1.

Clause 1 stand part of the Bill.

The question before the House is: that clause 1 stand part of the Bill.

(The motion was agreed to.)

Clause 2.

Mr. PRESIDENT: Clause 2 stand part of the Bill.

Maulvi ABUL QUASEM: Sir, I may mention for your information that I will not move any amendment standing in my name except amendment No. 58.

Mr. PRESIDENT: The question before the House is: that clause 2 stand part of the Bill.

(The motion was agreed to.)

Clause 3.

Mr. PRESIDENT: Clause 3 stand part of the Bill.

Mr. BIRENDRA KISHORE ROY CHOWDHURY: Sir, I beg to move that in line 2, sub-section (*1*), section 3, instead of the words "two annas", the words "one anna" be substituted.

Sir, in the preamble to this Bill it has definitely been pointed out that the proceeds of this tax will be devoted to the stabilisation of jute prices and to the furtherance of the interests of the jute-growers. The Hon'ble the Finance Minister has also given us an indication as to the exact manner in which the money raised by this taxation measure will be spent. He has pointed out that not only the jute restriction scheme will be financed by the proceeds of this tax, but such marketing facilities as establishment of warehouses and godowns in the mofussil markets will also be made possible by the money so raised. But although the Hon'ble the Finance Minister has referred to these facilities, he has not placed before us any definite scheme involving any definite amount of expenditure. Nor has he found it possible exactly to calculate the amount of money which he is expecting to raise by this taxation measure. It has been hinted that by the imposition of a tax of two annas on every maund of raw jute a sum varying from fifty lakhs to one crore of rupees may be raised. So, it is not unlikely that if the rate of taxation is reduced by 50 per cent., the amount of money raised by it may still be fifty lakhs of rupees. In view of the fact that in the coming months only the jute restriction scheme will be operated and a scheme for establishing godowns and warehouses and for opening other facilities of marketing will only be prepared, it seems to me that the rate of taxation may be safely reduced by 50 per cent.

It has been, Sir, very glibly assumed by some that the incidence of this taxation will fall entirely either upon the mill-owners or upon the shippers of pucca bales. But, Sir, I am not entirely convinced that such actually will be the result. It may be that the mill-owners as well as the shippers will not only try for, but will succeed in, shifting the burden on to the shoulders of the producers. It is good, therefore, in the initial stage, to see as to how the situation shapes itself: whether the incidence really falls upon the ultimate purchasers or upon the growers of jute themselves. In the experimental stage it is fit and proper that the rate of taxation should not be as high as two annas per maund but should be only one anna.

With these few words, Sir, I am moving the amendment which stands in my name.

Mr. PRESIDENT: Amendment moved that in clause 3 of the Bill, in sub-clause (*1*), for the words "two annas" in line 2, the words "one anna" be substituted.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to oppose this amendment. Sir, it is clear that the Bill is being introduced here for the purpose of benefitting the jute-grower and securing the maximum benefit to him consistent with the interests of other persons. So, in order to benefit the jute-grower sometimes purchases will have to be

made, sometimes sales will have to be effected and all this requires a large amount of money in order to deal with those situations effectively. The larger the amount of money that will be in the hands of Government, the greater will be the power and ability of the Government to control the situation. In these circumstances, a larger amount of money will be for the greater benefit of the jute-growers. It has been suggested by the honourable the mover of the amendment that the burden of taxation would be passed on to the growers. Sir, I am not an extremist in this matter. I do not believe it will entirely fall on the shippers and mill-owners or on the growers. I think the burden will, in the long run, be distributed on all. In view of the fact that the growers would reap great benefit, it will not matter if only a fraction of the taxation is passed on to them. I believe that the amount thus realised will be really to the benefit of the growers.

In these circumstances, there is no case for reduction of the rate of tax particularly when we do not know what may happen afterwards. If there is more money than what the Government need, the tax may be reduced later on; but for the present, we should begin with the maximum rate possible, consistently with the maintenance of other interests. Therefore, the amount of two annas should be retained and not reduced.

Rai Bahadur MANMATHA NATH BOSE: Sir, I rise to support the amendment moved by my friend Mr. Birendra Kishore Ray Chowdhury, as the amendment also stands in my name. Sir, I am inclined to hold that the two annas will afterwards devolve on other persons. This two annas is to my mind rather heavy, and although it is understood at the present moment that the mill-owners and shippers will have to pay this tax, yet I am afraid that after all the tax will ultimately have to be paid by the grower himself. Sir, I submit that he can never hope to cope with such strong organisations as the jute mill-owners and oversea-shippers. They will always control the interests and it is therefore all the more necessary that the incidence of the tax should be as light as possible. The cultivator is too poor to bear any further taxation. On these grounds, I support the amendment and hope that it will be accepted by the Hon'ble Minister.

Mr. HUMAYUN KABIR: Mr. President, Sir, I also beg to support the amendment and in doing so, I want to draw attention to some very remarkable statements which were made by Khan Bahadur Naziruddin Ahmad. He argues, "Let this tax at the rate of two annas be imposed now but if found unnecessary later on, the rate may be reduced." I think it is a discovery of my honourable friend that a tax once imposed has ever been reduced on the simple ground that it brings more money than is required by Government at

a particular stage: Has there ever been a Government who thought they had more money than they needed? Later on, he suggested that in the pressing circumstances of to-day it was desirable that the maximum rate of tax should be imposed so that Government might start the work. This also I think is a novel principle in taxation. The generally recognised principle in taxation is to tax as lightly as possible in conformity with the necessities of Government at any particular stage. It is a new principle to say "Let us impose the maximum tax now and go on merrily with our work, and after we have finished the work, if we find that there is a surplus, then we will return half of the money." Again, Sir, we do not know in what way this money will be returned. In supporting this amendment I take my stand on the statement made by the Hon'ble Finance Minister himself when he moved that the Bill be taken into consideration. At that time he said that the amount estimated for the cost of the jute regulation scheme was somewhere in the neighbourhood of 35 or 36 lakhs of rupees. If the amount of money which Government want is 35 lakhs, and if it is also admitted, as I think every member of this House will have to admit, that the cultivator in Bengal is already heavily taxed—he is perhaps the most heavily-taxed person in the whole of India—and if it is further admitted, as was admitted by the Finance Minister himself, that as yet it is too early to be dogmatic about the actual incidence of the tax, what justification is there for a tax of two annas in the maund?

If the rate is one anna per maund, the Government will still have 25 lakhs. And in spite of what the supporters of the Government might say, any further imposition on the cultivator cannot be defended unless it is established that such imposition is absolutely unavoidable. Have Government proved that the new tax is so unavoidable? We are against any fresh tax; but if it must be imposed, let it be as light as possible. These considerations should be kept in mind, namely, the money required is Rs. 35 lakhs; secondly, that we cannot be dogmatically certain about the actual incidence of the tax. It may be that a certain portion of the tax will fall on the cultivator. Thirdly, the Bengal cultivator is already a most heavily taxed person in the whole of India. These are very weighty considerations and the Government should take them into their consideration. Then, Sir, another fact to which the attention of the Hon'ble Minister may be drawn is that even now the cultivator actually pays a very heavy tax on jute though indirectly: the jute export duty does certainly hit the actual cultivator and but for this jute export duty, he would have got a better price for his jute. Keeping these considerations in mind and in view of the fact that the actual requirement is Rs. 35 lakhs, the Government would be well-advised to provide for Rs. 25 lakhs by the new tax and make up the deficit of Rs. 10 lakhs from the

general funds—which again are very largely the contributions of the cultivators. To expect to realise the whole amount and something in excess from the cultivators at this stage would be both unjustified and undesirable, the more so in view of the distress from which they have been suffering for the last few years.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I rise to oppose the amendment which has just been supported by my friend Rai Bahadur Manmatha Nath Bose. The Rai Bahadur has stated that the tax would really fall on the cultivator. But, Sir, this tax is for making the holding power of the cultivators more strong so that they may be in a position to shift the tax on to the purchasers and cosumers. My esteemed friend Mr. Humayun Kabir has said that if Rs. 35 lakhs are required for the jute restriction scheme, why then more than that amount should be raised by this tax? But I think he has forgotten that the Hon'ble Finance Minister said that not only he wanted money for the jute restriction scheme but also for expenses in connection with the establishment of warehouses and advances to be given to the cultivators for keeping his jute stored in the warehouses. I am convinced that with these facilities it will be possible for the jute-grower to develop holding power and also to shift the burden of this tax on to the real consumers and purchasers. I think, therefore, that this tax of two annas is not at all excessive; on the contrary, it will be to the advantage of the cultivators. With these words, I oppose the amendment.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I do not think it is necessary for me to say much. The arguments of the supporters of the amendment have been very satisfactorily met by my friends Khan Bahadur Naziruddin Ahmad and Khan Bahadur Saiyed Muazzamuddin Hosain. I may, however, refer to one or two points just to clear some misunderstandings. Rai Bahadur Manmatha Nath Bose has again repeated the easy statement that the mill-owners and shippers being more organised and having plenty of resources, will be able to influence the market and the price of jute. But the fact remains that until recently nothing has been done to control the market or to control the supply; if the honourable member only knew what is happening to-day in the genuine market he will be greatly surprised. The mill-owners cannot purchase jute at the price that they want; every day the price is mounting. Far from the mill-owners and shippers controlling the market, the agriculturist is to-day controlling the price. I think it might hurt my friends on the other side if I claim a little bit of credit for this very satisfactory situation; but the genuine trade and businessmen know and realise to what extent Government is responsible for this satisfactory situation. As regards the quantum of the tax, far from decreasing it there have been proposals urging on the Government to increase the tax.

It has been stated by nearly all the sections of the House including the Opposition that the tax which we have imposed is far too little for the programme before us and they have endorsed that we should increase the tax to eight annas. Sir, I would have been glad to do it but for the fact that on this point I agree with the principles enunciated by Mr. Humayun Kabir, namely, that we do not want to take in more money than we can usefully spend. If Government has more money than it can spend on well-thought-out schemes, we are likely to fritter away that money of which, after all, Government is the trustee. I do not think that we shall get 50 lakhs this year as already many sales have been effected and some further time will pass before the tax is brought into operation. We may perhaps hope to realize 30 or 40 lakhs which will just cover our expenses and will enable us to start certain experiments on a modest scale the results of which will be better appraised next year. If these experiments are successful and if we are able to increase the holding power of the agriculturist and increase the price for his jute by two or three rupees per maund I see no reason whatsoever why he alone will not be happy to stand this tax. As it is, the tax will be distributed among the various trades that are engaged in this industry and I do not think the agriculturist will grudge a portion of it if it really increases his paying capacity and brings in more money into his coffers.

Sir, I do not know where Mr. Humayun Kabir has got the information that the cultivator of Bengal is the most heavily taxed person in India. I have not found it in any book on "Economics" but, on the other hand, the latest book on the subject, namely, the Report on the Land Revenue Commission states that the incidence of rent for instance payable by an agriculturist is much less in Bengal than in other parts of India.

Mr. HUMAYUN KABIR: I would refer the Hon'ble Minister again to that very same Land Revenue Commission's Report and he will find the figures there.

The Hon'ble Mr. H. S. SUHRAWARDY: Perhaps I have misread it, but all the same to say that he is the most heavily taxed person in India is simply repeating a slogan (Mr. HUMAYUN KABIR: which happens to be true) which probably is not justified by facts. Although it cannot be dogmatically stated that at all times the tax will not be paid by the cultivator or will be distributed to all the various grades of traders. It is fairly certain that at the present moment the cultivator will not have to bear any portion of the tax whatsoever.

Now, Sir, another statement which is being repeated very frequently is that the export tax on jute is also borne by the cultivator. I do not know again how this question has been so solved in this manner

by those gentlemen who repeat such statements. After all the export tax on jute will be borne in the same manner as any other tax on jute, and that will be borne by the various grades. The mill-owners can very well say that it is they who are paying this export tax on jute and that if they did not have to pay it their profits would be greater.

If the mill-owners make a considerable profit or profit above a certain standard, then they would not mind if they had to pay a higher price for their jute. But I have not known of any mill-owner voluntarily sharing his profits with the jute-growers; even if he gets a high price for his commodities, he will not pay a high price for his jute if he can get it at a lower price. Only recently owing to the efforts of Government the mill-owners have co-operated to some extent in maintaining a higher price for jute than that justified by economic conditions, but that is a passing phase and I hope it will not be necessary ever to revert to it. I am sure, Sir, if we continue with our policy of strict regulation of jute crop, all our problems will be solved.

I, therefore, Sir, oppose the amendment.

Mr. PRESIDENT: The question before the House is that in clause 3 of the Bill, in sub-clause (*1*), for the words "two annas" in line 2, the words "one anna" be substituted.

A division being challenged, the House divided with the following result:—

AYES—6.

Bose, Rai Bahadur Manmatha Nath.	Roy Chowdhury, Mr. Birendra Kishore.
Kabir, Mr. Humayun.	Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Ray, Rai Sahib Jogendra Nath.	
Roy, Mr. Amulyadhone.	

NOES—29.

Ahmed, Khan Bahadur Nazirudding.	Khan, Khan Bahadur Muhammad Asaf.
Ahmed, Mr. Mashahuddin.	Laidlaw, Mr. W. B. G.
Aziz, Khan Sahib Abdul.	McFarlane, Mr. J.
Barua, Mr. Dhirendra Lal.	Molla, Khan Sahib Subidali.
Choudhury, Mr. Moazzemali.	Quasem, Maulvi Abdul.
Chowdhury, Khan Sahib Abdul Hamid.	Rahman, Khan Bahadur Ataur.
Chowdhury, Mr. Khorshed Alam.	Rahman, Khan Bahadur Mukhlesur.
Chowdhury, Khan Bahadur Rezzaqui Haider.	Ray, Mr. Nagendra Narayan.
Cohen, Mr. D. J.	Roy, Rai Bahadur Radhica Bhusan.
Ferguson, Mr. R. W. N.	Roy Chowdhury, Mr. Krishna Chandra, O.B.E.
Hossain, Khan Bahadur Saiyed Mauzzamuddin.	Scott-Kerr, Mr. W. F.
Hossain, Mr. Latafat.	Shamsuzzoha, Khan Bahadur M.
Huq, Khan Bahadur Syed Mohammad Ghaziel.	Singh Roy, the Hon'ble Sir Bijoy Prasad.
Jan, Alhaj Khan Bahadur Shaikh Mohammad.	Talukdar, Dr. Kasiruddin.
Karim, Khan Bahadur M. Abdul.	

Mr. PRESIDENT: Order, order. The House has divided.

For the amendment—6; against the amendment—29. The amendment is, therefore, negatived.

Mr. BIRENDRA KISHORE ROY CHOWDHURY: I beg to move that sub-clause (*3*) of clause 3 of the Bill be deleted.

Sir, I do not understand why this sub-clause has been inserted at all in the Bill. The contract, if there is any, is between the producer and the purchaser or between an ultimate purchaser and a middle man. The Government is evidently not a party to such a contract. In view of this I do not see why in respect of such raw jute as already contracted for, the sales tax will not be imposed.

The sub-clause may have been intended, Sir, to cover those cases in which the mill-owners have contracted to purchase raw jute for supplying certain orders of the Government. In respect of such cases also it does not seem that the exemption which the sub-clause provides for is justified at all. In the first place prices in the jute market have been considerably fluctuating. It is not unlikely therefore that the mills have contracted to purchase raw jute for supplying orders to the Government at a rate which will leave them a considerable margin of profit. Secondly, as a rule, irrespective of the price of jute the mill-owners make considerable profit out of such orders. It does not seem, therefore, necessary at all to exempt the purchase of jute already contracted for from this tax. Such exemption will only introduce confusion.

Mr. HUMAYUN KABIR: Sir, I beg to support the amendment of Mr. Birendra Kishore Roy Chowdhury. I think this is an amendment which the Hon'ble Minister should have pleasure in accepting. This will add to the funds at his disposal without any effort on his part. Here is a clear case where the tax can be shifted to the persons who contracted for raw jute. If in such a case, the tax is levied on the sale of raw jute, the cultivators will not be hit by the tax at all. The mill-owners or the shippers will have to bear the entire burden of the tax. Also it is a fact that when the probability of a Bill like this was mooted, many mill-owners and other buyers entered into fairly long contract for future purchase of jute. The cultivators' holding power is small and the bad crops of the last few years have made their position worse. Circumstances have compelled them to sell their existing jute and their future jute at whatever price they could get. Here is a case where the tax is peculiarly suitable and I hope that the Hon'ble Minister will accept the amendment and impose tax in a case where tax seems to be most suitable and proper from all points of view.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I rise to oppose the amendment and that on the ground that although it may bring more money to Government, it is certainly not fair to go

behind the contract; because if the amendment is accepted, the tax will fall on the purchaser and not on the consumers. It may not be shifted eventually to the person for whom the jute is purchased. So, this will cause great disadvantage to the purchaser, because he will not know before that he will be taxed after the contract. On this ground, it will be very unfair to impose this tax after the contract has been entered into.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to oppose this amendment on the ground that if we delete this sub-clause, the effect would be that there would be a large amount of sale just before the commencement of the Act. Although Government will lose some amount of money, it will dislocate the market to a great extent. It will confer benefit on certain speculators and deprive others who will not be able to speculate. (Mr. HUMAYUN KABIR: Only if the clause remains.) Then after everything is over, it has been suggested that this rapid purchase will be for the benefit of the Government because good price is always for the benefit of the growers. But I have some misgivings. If there is an artificial purchase, which is not required by the laws of demand and supply of the market but simply for the purpose of speculation, it will create a reaction very soon, and the only effect would be that there will be no real removal of the article from the market. As a matter of fact, it will lead to accumulation in certain hands and consequent loss of tax and there will be ultimately want of demand for the article from the market. So, in these circumstances, this will create some dislocation which the Bill wants to prevent.

For these reasons, I beg to oppose the amendment.

The Hon'ble Mr. H. S. SUHRAWARDY: The obvious reason why this clause has been put in is that without it we shall be interfering with contracts which have already been entered into. The Provincial Legislature, however, has no power to do so without the consent of the Governor-General, and so we have inserted this clause so that the Bill may be within the competence of the Provincial Legislature. And, as has been pointed out so ably by Khan Bahadur Saiyed Muazzamuddin Hosain, anything to the contrary would be distinctly unfair to those persons who have already entered into a contract on the assumption that these contracts would not be affected by the tax. Drive this to its extreme and absurd conclusion. Suppose that persons have purchased jute at Rs. 8 per maund and have sold manufactured commodities on the basis of Rs. 8 per maund for jute and then suddenly we put on a five-rupee per maund tax on jute, do you think that it will be fair to them? They have already entered into contracts for

the sale of their manufactured commodities against which they have purchased jute at a certain price and if you put on a tax thereafter, will it not give a just cause for complaint?

I therefore oppose the amendment.

Mr. PRESIDENT: The question before the House is: that sub-clause (*3*) of clause 3 of the Bill be deleted.

(The amendment was negatived.)

Clause 4.

Clause 4 stand part of the Bill.

The question before the House is: that clause 4 stand part of the Bill.

(The motion was agreed to.)

Clause 5.

Clause 5 stand part of the Bill.

The question before the House is: that clause 5 stand part of the Bill.

(The motion was agreed to.)

Clause 6.

Clause 6 stand part of the Bill.

The question before the House is: that clause 6 stand part of the Bill.

(The motion was agreed to.)

Clause 7.

Clause 7 stand part of the Bill.

The question before the House is: that clause 7 stand part of the Bill.

(The motion was agreed to.)

Clause 8.

Clause 8 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in clause 8 of the Bill, for the words, brackets, letter and figures "clause (*b*) of sections 6 and 7" in line 2, the words, brackets, letters and figures "clause (*b*) of section 6 or clause (*b*) of section 7" be substituted.

Sir, this is merely a drafting amendment and I submit it is necessary to make the thing complete. The Bill clause mentions "clause (*b*) of sections 6 and 7". What is obviously meant is: "clause (*b*) of section 6 and clause (*b*) of section 7". There is no common clause (*b*). There is a clause (*b*) of section 6 and there is another clause (*b*) of section 7. Although they are put as "(*b*)", these clauses are absolutely distinct from each other. So, it will be wrong to put it as "clause (*b*) of sections 6 and 7". As, for instance, we should not refer to "Burra Bazar of Burdwan and Calcutta". We should say, "Burra Bazar of Burdwan and Burra Bazar of Calcutta". (Laughter.)

The mere fact that it bears the same name does not mean the same thing. For instance, if the Government would nominate two ladies - the wife of Mr. A. and the wife of Mr. B-- to an institution. Would they say we nominate "the wife of Messrs. A and B"? That would certainly be wrong and would be resented by the ladies. It is this reason that has induced me to submit this amendment.

Mr. PRESIDENT: Amendment moved that in clause 8 of the Bill, for the words, brackets, letter and figures "clause (*b*) of sections 6 and 7" in line 2, the words, brackets, letters and figures "clause (*b*) of section 6 or clause (*b*) of section 7" be substituted

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, the arguments of Khan Bahadur Naziruddin Ahmad are so very cogent and his illustrations are so very picturesque that I must plead guilty to the charge of not very good drafting. The suggestion made by him is certainly an improvement and can well be incorporated. But the difficulty at present is that we shall lose a lot of money if we send this Bill back to the other House. I want this Bill to be passed in the present session so that it may be brought into operation as early as possible and we may begin to collect the tax. If any amendment is made in this House, the Bill will go back to the other House and this will lead to further delay and it may not be possible to have this Bill passed in this form in the present session.

Further, this particular error in drafting appears in the various other Finance Acts which have already passed through the scrutiny of Khan Bahadur Naziruddin Ahmad, without any amendment. We feel, Sir, that this is a very proper amendment, but I have mentioned my difficulties. I would have been glad indeed to be able to accept it

and thus improve the Act. But, Sir, I do not think there will be any difficulty in the interpretation of this clause (*b*). Clause (*b*) of section 6 will be distinguished from clause (*b*) of section 7.

I hope, Sir, that the Khan Bahadur will be good enough to withdraw his amendment in view of the difficulties referred to by me.

Khan Bahadur NAZIRUDDIN AHMAD: May I ask one information, Sir? The list of amendments contain several amendments of this nature. May I enquire whether, when the Hon'ble Minister will revise the Act, he would consider all of these amendments which are of a drafting nature? I consider them to be necessary. Though they are not essential immediately, but from an artistic point of view they are necessary.

The Hon'ble Mr. H. S. SUHRAWARDY: We shall certainly consider them. So, I would ask the honourable member to be good enough to withdraw this amendment.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, in view of the assurance given by the Hon'ble Minister, I beg leave of the House to withdraw my amendment.

Mr. PRESIDENT: Is it the pleasure of the House to permit Khan Bahadur Naziruddin Ahmad to withdraw his motion?

(The amendment was, by leave of the House, withdrawn.)

Mr. PRESIDENT: The question before the House is: that clause 8 stand part of the Bill.

(The motion was agreed to.)

Clause 9.

Mr. PRESIDENT: Clause 9 stand part of the Bill.

Rai Bahadur MANMATHA NATH BOSE: Sir, I beg to move that in clause 9 of the Bill, in sub-clause (*2*), the words "or further penalty as the case may be" in lines 9 and 10 be omitted.

Sir, my reason for moving this amendment is this: we find towards the end of this clause the following words, "the occupier of the jute mill or the shipper of jute shall pay in addition to the amount of the tax and penalty (if any) so unpaid a sum not exceeding the amount of the tax by way of penalty or further penalty as the case may be".

My submission is that he has been already penalised and it is too much to penalise him over again. Although I am moving this amendment, Sir, I do not know what will be its fate. Therefore, in view of

the fact that the Hon'ble Minister has just said that he does not wish that any amendment should be made to the bill having regard to the fact that it will in that case have to be taken to the other House again, I do not like to press my amendment.

Mr. PRESIDENT: Are you not moving it?

Rai Bahadur MANMATHA NATH BOSE: Yes, Sir, I have moved it but I do not press it.

Mr. PRESIDENT: Amendment moved: That in clause 9 of the Bill, in sub-clause (2), the words "or further penalty as the case may be" in lines 9 and 10 be omitted.

Mr. HUMAYUN KABIR: Sir, I think that the Hon'ble Finance Minister will himself admit that this is a very reasonable amendment. I trust he will also consider whether he is in a position to judge this amendment on its merits. It is this fact which really prompts me to say something on this occasion. Sir, the statement which was made by the Hon'ble Finance Minister a little while ago comes to this: after all, everything that we are doing here to-day is a mockery. Government have already decided that no amendments are to be permitted, and they want the Bill to go through in the form in which it was passed in another place. If that be the reason why no amendment will be even considered by Government on its merits, I do not know why this House should meet at all. If this House is not in a position to consider particular clauses on their merits and to judge whether any improvements are necessary or not, then the whole procedure of this House becomes superfluous. I am doubtful whether this is not infringing on the rights and privileges of this House, nor do I know what the supporters of Government feel about this matter. Do they agree that the Hon'ble Finance Minister should carry through a Bill in this House simply on the ground that any change in it would entail sending it back to another place? This is a very serious interference with the rights of this House. If the argument of Mr. Suhrawardy is accepted as valid by the supporters of the present Government, then those who are in a minority cannot certainly help. We can only protest that the Government and their supporters are setting a very bad precedent for the future. In fact, we are stultifying the very purpose of this House of which we are members. If honourable members who support Government think that they should accept Mr. Suhrawardy's argument, they are welcome to do so but we must dissociate ourselves from such a view. I invite the members of the Coalition Party and the Hon'ble Finance Minister to consider the question afresh in the light of these remarks.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I was certain that Professor Kabir would not allow this opportunity to pass without misconstruing my remark, and he has taken full advantage of the situation. Sir, I may say that each amendment has been considered on its merits and if there were any amendment which improved the Bill in essentials, Government would have accepted that amendment. For instance, if, I had any doubts in my mind regarding the last amendment that it might lead to the courts giving an interpretation different from the one as understood by Government, then I would certainly have accepted that amendment.

But as it is a mere change in drafting, although an improvement, I requested Khan Bahadur to withdraw it. I oppose the amendment moved by Rai Bahadur Manmatha Nath Bose on its merits. If there was any amendment which did improve the Bill I certainly would not only have accepted it but would have thanked the House for having suggested it. The Rai Bahadur does not know perhaps that the penalty clause under sub-clause (*1*) is a *quid pro quo* for certain very drastic penalties which were at first proposed by Government under the penalty section and which have now been modified. Sub-clause (*2*) only means that if a penalty is imposed under sub-clause (*1*) and this penalty is not paid within the time allowed then a further penalty should be put on for non-payment. That is all it is intended to do. It is not an unreasonable suggestion. I, therefore, oppose the amendment of Rai Bahadur Manmatha Nath Bose on its merits.

Mr. PRESIDENT: The question before the House is that in clause 9 of the Bill, in sub-clause (*2*), the words "or further penalty as the case may be" in lines 9 and 10 be omitted.

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is that clause 9 stand part of the Bill.

(The motion was agreed to.)

Clause 10.

Mr. PRESIDENT: Clause 10 stand part of the Bill.

The question before the House is: that clause 10 stand part of the Bill.

(The motion was agreed to.)

Clause 11.

Mr. PRESIDENT: Clause 11 stand part of the Bill.

The question before the House is: that clause 11 stand part of the Bill.

(The motion was agreed to.)

Clause 12.

Mr. PRESIDENT: Clause 12 stand part of the Bill.

The question before the House is: that clause 12 stand part of the Bill.

(The motion was agreed to.)

Clause 13.

Mr. PRESIDENT: Clause 13 stand part of the Bill.

The question before the House is: that clause 13 stand part of the Bill.

(The motion was agreed to.)

Clause 14.

Mr. PRESIDENT: Clause 14 stand part of the Bill.

The question before the House is: that clause 14 stand part of the Bill.

(The motion was agreed to.)

Clause 15.

Mr. PRESIDENT: Clause 15 stand part of the Bill.

The question before the House is: that clause 15 stand part of the Bill.

(The motion was agreed to.)

Clause 16.

Mr. PRESIDENT: Clause 16 stand part of the Bill.

The question before the House is: clause 16 stand part of the Bill.

(The motion was agreed to.)

Clause 17.

Mr. PRESIDENT: Clause 17 stand part of the Bill.

The question before the House is: that clause 17 stand part of the Bill.

(The motion was agreed to.)

Clause 18.

Clause 18 stand part of the Bill.

The question before the House is: that clause 18 stand part of the Bill.

(The motion was agreed to.)

Clause 19.

Clause 19 stand part of the Bill.

The question before the House is: that clause 19 stand part of the Bill.

(The motion was agreed to.)

Clause 20.

Clause 20 stand part of the Bill.

The question before the House is: that clause 20 stand part of the Bill.

(The motion was agreed to.)

Clause 21.

Clause 21 stand part of the Bill.

The question before the House is: that clause 21 stand part of the Bill.

(The motion was agreed to.)

Clause 22.

Clause 22 stand part of the Bill.

The question before the House is: that clause 22 stand part of the Bill.

(The motion was agreed to.)

Preamble

The Preamble be added to the Bill.

Maulvi ABUL QUASEM: Sir, I beg to move that in the Preamble of the Bill, for the words "for the purpose" in line 3, the words "for the exclusive purpose" be substituted.

Sir, the purpose of my amendment is this. Government say that this taxation is intended for the purpose of carrying out measures for the stabilisation of jute prices and for furthering the interests of the growers of jute in the province. Sir, there is no guarantee that the Government will devote the proceeds of the tax only to this purpose and that this money may not be diverted to any other purpose and it is for the purpose of ensuring that this money would be exclusively employed for the purpose stated by the Government in the Statement of Objects and Reasons of the Bill that I have tabled this amendment of mine. Sir, it may be that the Hon'ble Minister may give an assurance and his speech will be there but his successor may or may not read the proceedings of the House to find out what was the assurance given by the Government. I am not, Sir, going to rest content with that and that is why I want that the word "exclusive" should be used so that the money may not be used for any purpose other than the purposes stated in the preamble. Sir, it is necessary that the Government should assure the House that for these purposes alone the money that will be realized by levy of this tax would be spent. I hope, Sir, the Hon'ble Minister will be able to satisfy the House that this is meant for no other purpose whatsoever.

Mr. PRESIDENT: Amendment moved that in the preamble of the Bill, for the words "for the purpose" in line 3, the words "for the exclusive purpose" be substituted.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, I have got a similar amendment but the word I have chosen is different. I have proposed that the word should be "sole" but the purpose is the same. If possible it is better for us at this stage not to press this amendment to be accepted by the Government but the Government has to give us an assurance that they will see that this money is not diverted for any other purpose. The preamble itself is of course vague on the point. It reads, "Whereas it is expedient.....and for furthering the interests of the growers of jute.....". That may include anything, *e.g.*, Sanitation, Education, etc. But the purpose for which we are moving this amendment is that the money should not be used for any purpose other than for providing the machinery or scheme by which the jute growers can get better prices for their jute.

That was the object of my giving notice of this amendment. I think, Sir, under section 22 of this Bill Government will make rules for their own guidance for carrying out the purposes of this Act. Under that section they may make rules that proceeds of this taxation should be set apart for the benefit of the jute-growers in respect of cultivating and selling jute and not be diverted for any other purpose. It should not be held as a balance against deficits in the general revenue and should not be merged into the general funds by virtue of rule 22 of this Bill. If an assurance is given by the Hon'ble Minister publicly that no difficulty will arise and there will be no occasion for taking away the surplus that may remain out of this tax to meet any other contingency, then we need not move any amendment to this effect.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I remember that when Mr. Hamidul Huq Choudhury spoke at the time when I moved that the Bill be taken into consideration, he raised the same question—whether money out of this taxation will be funded separately no not. He was not present in this House to hear my reply. On that occasion I gave the assurance that it is the intention of Government not only to earmark this fund but to create a separate fund which will be carried on from year to year and which will not merge with the general revenues in case it is not spent in any particular year. Sir, the purpose of Government is that the money should be spent for the exclusive or for the sole purpose of the objects defined in the preamble. Of course the honourable members should realise that so far as the preamble is concerned, it has not any legal force, it has only a moral force. For instance., Sir, if Government forgets all about the preamble and spend a certain portion of the tax on certain other purposes which do not strictly come under the terms of the preamble, the Accountant-General, will have to pass that payment and cannot object on the ground that the money has not been spent according to law. So, the honourable members will have to rely a very good deal on the assurance of Government. If at any moment honourable members find that Government is not acting up to its assurances, they can always suggest an amendment to the Act in order to prevent the diversion of the fund to other purposes, and make this piece of legislation as water-tight as possible.

Now, Sir, before I sit down I cannot help remarking on a slight inconsistency on the part of my friend Mr. Abul Quasem. On the one hand he proposes that the tax should be exclusively used for furthering the interest of the growers of jute and in the next amendment he wants the proceeds to be spent on agricultural labourers as well, who have been deprived of their earnings.

Mr. ABUL QUASEM: On a point of personal explanation, Sir. The next amendment is not mine but that of Khan Bahadur Saiyed Muazzamuddin Hosain. Through mistake it has been printed in my name.

The Hon'ble Mr. H. S. SUHRAWARDY: I am sorry, Sir.

However, I have great deal of sympathy for these labourers, because I do feel that they have been badly hit owing to the jute restriction scheme and I feel that something must be done for their relief, if necessary, out of this fund. I shall certainly examine this question and see that some steps are taken for their relief. I hope the honourable member, after this assurance given by the Government, will withdraw his amendment.

Mr. ABUL QUASEM: Sir, in view of the assurance——

Khan Bahadur NAZIRUDDIN AHMAD: Sir, before Mr. Abul Quasem asks permission of the House to withdraw his amendment, may I make a submission regarding the constitutional question raised by the Hon'ble Minister? He has said that the preamble is not absolutely binding on the Government except morally. I ask you, Sir, to consider this matter and give a ruling whether this is the real state of the law.

Personally speaking, I think that the preamble proposed in the Bill forms part of the Act and it should be binding on Government to the very letter. That is the interpretation that I put on the existence of the preamble.

The Hon'ble Mr. H. S. SUHRAWARDY: I think it is an error to say that the preamble is not binding on the Government. Government must carry it out, so it is binding on them. But what I say is this: if Government diverts the funds raised through this Bill, then the Accountant-General cannot say that inasmuch as in the preamble you have made a statement quite the contrary, I am not going to pass the amount.

Khan Bahadur NAZIRUDDIN AHMAD: But the Accountant-General is not an authority on law. We need not take any notice of him.

Khan Sahib ABUL QUASEM: Sir, may I make a submission? I speak subject to correction, but I think that the accepted principle of interpretation is that the preamble forms no part of an enactment.

It gives only a clue to the intention running behind the Act and is no part of it. Government is only bound to act according to the intention as reflected in the preamble.

Mr. PRESIDENT: The preamble is no part of an Act. That is certain. The modern practice in England is ordinarily not to have any preamble at all in Bills. But in interpreting a clause or in finding out the scope of a Bill, the preamble is of great importance. So, the Honourable Finance Minister is quite correct when he says that the preamble is no part of an Act. Honourable members may also have noticed that in putting the preamble before the House, the Chair uses the following form, namely, "the preamble be added to the Bill" and not "the preamble stand part of the Bill", as in the case of the clauses. So, it will be seen that a preamble is only an addition and in a strictly legal sense is not binding, as are the clauses of an Act.

Khan Sahib ABUL QUASEM: Sir, in view of the assurance given by the Honourable Finance Minister in such categorical terms as to the real intention of Government as expressed in the preamble, I beg leave of the House to withdraw my amendment.

Mr. PRESIDENT: Is it the pleasure of the House to allow Khan Sahib Abul Quasem to withdraw his amendment?

(The amendment of Maulvi Abul Quasem was, by leave of the House, withdrawn.)

Mr. PRESIDENT: The question before the House is that the preamble be added to the Bill.

(The motion was agreed to.)

The question before the House is that the Title be added to the Bill.

(The question was agreed to.)

Mr. PRESIDENT: The second reading of the Bill is finished. The third reading will be taken up to-morrow.

The Council stands adjourned till 2-15 p.m. to-morrow.

Adjournment:

THE COUNCIL then adjourned till 2-15 p.m. on **Wednesday, the 10th September, 1941.**

Members absent.

The following members were absent from the meeting held on the 9th September, 1941:—

(1) Mr. Altaf Ali.
(2) Mr. Kader Baksh.
(3) Rai Bahadur K. C. Banerjee.
(4) Mr. Shrish Chandra Chakraverti.
(5) Mr. Narendra Chandra Datta.
(6) Mr. Kamini Kumar Dutta.
(7) Khan Bahadur Alhadj Khwaja Muhammad Esmail.
(8) Mr. K. L. Goswami.
(9) Mr. Mohamed Hossain.
(10) Maulana Muhammad Akram Khan.
(11) Sir T. Lamb.
(12) Rai Bahadur Brojendra Mohan Maitra.
(13) Begum Hamida Momin.
(14) Mr. Naresh Nath Mookerjee.
(15) Dr. Radha Kumud Mookerjee.
(16) Mr. Ranajit Pal Chowdhury.
(17) Dr. K. S. Ray.
(18) Mr. J. B. Ross.
(19) Mr. Sachindra Narayan Sanyal.
(20) Rai Sahib J. M. Sen.

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THE BENGAL LEGISLATIVE COUNCIL DEBATES

Second Session—No. 25.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 10th September, 1941, at 2-15 p.m., being the twenty-fifth day of the Second Session, pursuant to section 62 (*2*) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Certain embankment on the right bank of Dwarka.

103. Khan Bahadur ATAUR RAHMAN: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*i*) whether it is a fact that an embankment has been built by the District Board of Murshidabad with the fund placed at their disposal for relief work in 1938-39 on the right bank of the river Dwarka between the villages Indradangapara and Ruhigram on the plea of making a road;

(*ii*) the amount of money spent on it;

(*iii*) whether it is a fact that there is another road almost parallel to the embankment within a mile;

(*iv*) whether it has affected the drainage of other villages; and

(*v*) whether it was inspected by the Irrigation Engineer; if so, what is the opinion of the said Engineer?

(*b*) If no inquiry has been made by a Government officer, will the Government make an inquiry as to its usefulness as a road and its effect in the locality?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) It was constructed as a road and also as an embankment in 1936-37 as a Test Relief Work.

(*ii*) It is not possible to state the exact sum spent on this portion of the road, as it formed only a part of a bigger road project. The total sum spent on the entire project was Rs.5,508.

(*iii*) There is a road (Badsahi Road) almost parallel to the embankment referred to in sub-clause (*i*), but it is about 2 miles off the embankment. There is also a diagonal road connecting the Badsahi Road and the embankment road referred to.

(*iv*) Yes, to some extent.

(*v*) Yes, by the Executive Engineer, Nadia Rivers Division. He expressed the opinion that the bund should be removed or cut at three places to a width of 50 feet at each.

(*b*) A joint enquiry was also made by the Malaria Engineer of the Public Health Department and the Assistant Director of Public Health, Malaria Research, Bengal. Their recommendation was that the bunds should not be abandoned unless the whole series of bunds starting from the Birbhum district could be abandoned. A further report has been called for from the Superintending Engineer, Development Circle.

Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister be pleased to state if the Public Health Department and the Irrigation Department were consulted when the embankment was constructed?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It was taken up as a test relief work and I am not quite sure whether the Public Health Department and the Irrigation Department were consulted or not.

Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister be pleased to make further enquiry to find out whether this embankment was built in order to benefit a certain landlord or it is for the benefit of the public?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The matter was very thoroughly enquired into. There is no doubt that this embankment did benefit a large area. At the same time, it cannot be denied that this embankment caused water-logging to another extensive area. So it can be said that it both benefited and did some injury also.

Suits filed in Original Side of the High Court in 1938.

104. Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister in charge of the Judicial Department be pleased to state—

(*a*) what is the total valuation of the suits filed in the Original Side of the High Court in the year 1938;

(*b*) what amount of court-fee is realised in these cases;

(*c*) what is the total valuation of the suits filed in Mufassal Courts of the Province in that year;

(*d*) what amount of fees is realised in these cases;

(*e*) why *ad valorem* fee is not charged on the cases in the Original Side of the High Court;

(*f*) what is the cause of such preferential treatment; and

(*g*) when the Government propose to take steps to remove the anomaly and, if necessary, move higher authorities in the matter?

MINISTER in charge of the JUDICIAL DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) Rs. 2,17,73,575.

(*b*) Rs.15,70,383-14 represents court-fees realised as Probate and Administration duty during 1938 as also such fees realised during that year in connection with proceedings arising out of matters filed in previous years but does not include the whole amount of court-fees realisable on all matter filed during 1938 as some of these were realised in subsequent years when such matters were finally disposed of.

(*c*) Rs.7,76,19,992.

(*d*) Rs.1,06,95,083, which include but do not show separately court-fees realised in respect of suits only.

(*e*) Because special scales of fees are chargeable for different classes of proceedings on that side of the Court as laid down in Chapter XXXVI of the Original Side Rules.

(*f*) Fees chargeable on matters on the Original Side of the High Court are regulated by the Court in terms of statutory powers vested in them.

(*g*) Government is considering the matter seriously.

Khan Bahadur NAZIRUDDIN AHMAD: With regard to answer (*b*) in the question the amount of court-fees from suits was asked; but in the answer probate and administrative duty are included. Will the Hon'ble Minister be pleased to state what is the amount of court-fees derived from court alone?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, it is not possible to give the figures separately. We know what is the total amount of fees that were actually collected during a particular year. But we cannot say the amount of court-fees alone. We cannot say what is the total of a particular item.

Khan Bahadur NAZIRUDDIN AHMAD: May we take it that the amount of court-fees in suits alone will be less than the figures shown?

The Hon'ble Nawab MUSHARRUFF HUSSAIN, Khan Bahadur: That is a matter of conjecture.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: With reference to clause (*f*) the answer to which is "Fees chargeable on matters on the Original Side of the High Court are regulated by the Court in terms of statutory powers vested in them", may I know what is the cause of such preferential treatment? If the reply is that the preferential treatment is due to statutory laws, cannot the laws be changed because it is found that they lead to preferential treatment?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: That is being investigated into.

Khan Bahadur NAZIRUDDIN AHMAD: Does not the Hon'ble Minister feel that justice should cost equally and be easily available for the same cost whatever be the place where suits are instituted?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: It is after all a matter of policy that the Government has to pursue. But, so far as I am concerned, I am looking into the matter and if you want to change a time-honoured practice prevailing probably from the beginning of the British rule you will have to be very cautious.

Extracts from valuation-roll.

85. Rai Bahadur MANMATHA NATH BOSE (on behalf of Rai Bahadur Keshab Chandra Banerjee): (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether the holders of estates, tenures or other interests or the owners, holders or occupiers of rent-free interests are entitled to copies of or extracts from the valuation-roll prepared under section 107-I of the Cess Act, 1880, as modified up to date?

(*b*) If so, will the Hon'ble Minister be pleased to state under what section of the Cess Act are holders of estates, etc., so entitled?

(*c*) Is it a fact that for every application for a copy of the valuation-roll mentioned above, court-fee stamp of 12 annas under clause 3 or rule 6 of the Statutory Rules framed by the Provincial Government under section 107-R. of the Cess Act, 1880 (Bengal Act IX of 1880), is to be affixed to cover all costs including the cost of the copy?

(*d*) Will the Hon'ble Minister be pleased to state whether an application submitted on the 25th July, 1941, by Babu Jitendranath Mukerjee, Constituted Attorney, on behalf of the Joint Receivers to the Estates of late Hrishikesh Mullick, Calcutta, for a copy of the valuation-roll of tauzi No. 928 of the Khulna Collectorate under section 107-K, of the Cess Act was refused by the Record-Keeper? If so, on what grounds?

(*e*) Is it a fact that on the 28th July, 1941, the Record-Keeper disallowed the application referred to above on the ground that separate applications for different tenancies had not been submitted?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Minister be pleased to state under what section of the Cess Act the Record-Keeper demanded separate applications for separate tenancies?

(*g*) Is it a fact that formerly the proprietors of tauzis were supplied with copies of valuation-rolls on affixing the prescribed court-fee stamp of 12 annas only?

(*h*) Is it also a fact that a petition has been subsequently filed before the Collector of Khulna under date, the 5th August, 1941, requesting an enquiry into the matter and praying for a copy of the entire valuation-roll of tauzi No. 928 on the same terms and conditions as before?

(*i*) If so, will the Hon'ble Minister be pleased to state what action has been taken by the Collector on the said petition?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*), (*c*) and (*h*) Yes.

(*b*) Section 107K.

(*d*) to (*f*) Yes. By mistake no valuation-roll was prepared for the estate as a whole but it was prepared for each *khatian* separately. The Record-Keeper, therefore, asked the applicant, Babu Jatindra Nath Mukherjee, Attorney, to file an application separately for each *khatian* under rule 6(3) of the Statutory Rules at page 68 of the Bengal Cess Manual, 1939.

(*g*) No. Under section 34 of the Bengal Cess Act, 1880, copies used to be supplied on payment of the requisite copying fees.

(*i*) The matter is under enquiry.

Statement about imparting military training to school boys in other provinces.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I just read out the following statement showing the action taken by the Governments of other provinces in the matter of military training for boys in schools?

On the first of December, 1939, the Hon'ble Mr. Mukunda Behary Mullick, Minister in charge of the Co-operative Credit and Rural Reconstruction Department, while replying to supplementaries to question No. 31, relating to military training in schools in Bengal, on behalf of the Hon'ble Mr. A. K. Fazlul Huq, Minister in charge of Education, promised that enquiries would be made of the Governments of other

provinces as to what they had done in the matter. Accordingly the Governments of Bombay, Madras, the United Provinces, of Agra and Oudh, the Central Provinces and Berar, the North-West Frontier Province, Bihar, Orissa and Assam were consulted in the matter. The following is a gist of their replies:—

Bombay.—The Provincial Government have accepted the principle of military training for boys in secondary schools but a scheme for the purpose has not yet been settled.

Madras.—A resolution was moved in December, 1938, in the local Legislative Assembly regarding the provision of facilities for military training to college students and other civilian population desirous of undergoing such training. The then Prime Minister of the province accepted the principle of the resolution; but beyond communicating the resolution to the Government of India no further action has been taken.

United Provinces.—In view of the present financial circumstances of these provinces, no scheme for military training in schools and colleges has been drawn up.

Central Provinces and Berar.—Rifle shooting clubs have been started in five high schools and one middle school in the province. The subject of military training in schools is still receiving the attention of Government and no decision has yet been reached.

North-West Frontier Province.—The Provincial Government have undertaken to make enquiries regarding military education in schools. They have attempted to start a section of the University Training Corps in the Islamia College, Peshawar, but, owing to the fact that suitable military personnel are not available the matter has been deferred.

Bihar.—In pursuance of a resolution passed in the local Legislative Assembly in 1938, a scheme for military training in Bihar had been drawn up but the Provincial Government subsequently decided that the idea of giving training in the use of military weapons at the proposed Bihar Military Training School at Ranchi should be dropped for the present; but some training in theoretical military knowledge combined with practical physical instruction on a smaller scale than the present one should be imparted to the students. No military training school has, therefore, been established at Ranchi.

Orissa.—The Provincial Government have not yet considered the question of military training for boys in schools.

Assam.—The question of giving military training to boys in schools has not been considered by the Provincial Government. The question of giving military training to college boys has, however, been under correspondence for over two years with various authorities but progress has been difficult and it has not been found possible as yet to formulate any scheme.

Notices in respect of Non-official Bills.

The Hon'ble Sir BIJOY PROSAD SINGH ROY: Sir, I have the honour to give notice that at the current session of the Bengal Legislative Council, I shall move by way of amendment to the motion for reference to a Select Committee of the Bengal Land Alienation Bill, 1940, by Khan Bahadur Saiyed Muazzamuddin Hosain, M.L.C., that the Bill be recirculated for the purpose of eliciting further opinion thereon by the 31st July, 1942.

Sir, I have the honour to give notice that at the current session of the Bengal Legislative Council, I shall move by way of amendment to the motion for refereice to a Select Committee of the Bengal Emergency Rent Remission Bill, 1941, by Khan Bahadur Saiyed Muazzamuddin Hosain, M.L.C., that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th September, 1942.

I also have the honour to give notice that at the current session of the Bengal Legislative Council I shall move the following amendment to the Bengal Patni Taluks Regulation (Amendment) Bill, 1941, as passed by the Council and as passed with amendment by the Assembly:—

Amendment.

That in clause 2 in proposed clause 4 of section 3 for the figure "1940", the figure "1941" be substituted.

The Bengal Raw Jute Taxation Bill, 1941.

Mr. PRESIDENT: The House will now consider the Bengal Raw Jute Taxation Bill, 1941.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to move that the Bengal Raw Jute Taxation Bill, 1941, as settled in the Council, be passed.

Mr. PRESIDENT: Motion moved: that the Bengal Raw Jute Taxation Bill, 1941, as settled in the Council, be passed.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Sir, I am very glad that this Bill has passed the second reading stage. We are in full agreement with the aims and objects of this Bill, namely, stabilising jute prices, benefiting jute-growers and the jute industry as a whole with the proceeds of the tax to be levied. But from my personal knowledge of the jute trade I may say that unless the *fatka* transactions in jute are abolished or fully controlled by a special

officer of outstanding character, all talks about benefiting the jute-growers and of stabilising jute prices with money raised by jute tax will prove meaningless. I fancy that most of my honourable colleagues hailing from the mofussil do not know the implications of *fatka* bazar round about the Clive Street. "*Fatka*" is a Marwari word and it means literally reckless speculation or gambling. In certain parts of Rajputana where there are hill streams, adventurous Marwaris try to cross the river when the flow is very strong by means of a wooden plank and this plank is known as *fatka*. Theoretically, *fatka* means "futures markets" and the objects of these markets are to provide facilities for wedging or covering and checking heavy fluctuations in prices. A simple illustration will suffice.

Messrs. Ralli Bros., the well-known shippers of Calcutta, receive an offer from Dundee jute mills through London for, say, 50,000 maunds of baled jute, at say, Rs. 10 per maund for shipment 3 months hence, say, in December next and they accept this offer. But in December, the price of baled jute goes up for various reasons, say, by Rs. 2 per maund. To cover this risk the Rallis and other shippers resort to the Futures Market and buy these 50,000 maunds of jute by a forward contract for delivery after 3 months. In December, if the price of jute goes up, the *fatka* market goes up and the Rallis can claim delivery of bales or accept the difference which covers the loss. There are utmost 20 or 25 exporters of baled jute in Bengal who may benefit by these "Futures" transactions, but as against these there are tens of thousands who have no interest in the jute trade but who operate from day to day and receive weekly payments as margins and this system enables men of straw, from *panwallas* to petty clerks, briefless barristers and vakils, impoverished landlords and even poor *paharawallas* to gamble in the market on the off-chance of making a few rupees per week. It has become almost like the horse-race betting. In theory the object of horse-race betting in the good old days was to improve the breed and quality of horses and benefit owners and jockeys and raise funds for charities; but it has now degenerated into gambling of the worst sort and has become the cause of the ruination of thousands of people. The *fatka* transactions are carried on in the name of the East India Association which issues printed forms of contracts and assures deliveries; but as a matter of fact evidence before the Jute Enquiry Committee shows, I quote their language, that the "actual delivery is barely over one per cent. of the transactions". It may surprise you, Sir, to know that the transactions passing through this Association and private *fatka* markets exceed three times the value of the crop. This also I quote from a published report. It appears from the Census report of 1931 that the average annual jute money received by the growers for 10 years ending 1929 was about 45 crores of rupees based on an average of 95 lakhs of bales of 4½ maunds to 5 maunds per

year. Therefore, transactions through *fatka* market would exceed 130 crores of rupees and I have not the least doubt that the Hon'ble Finance Minister could have raised with two annas a maund as tax on *fatka* contracts more than 120 lakhs of rupees instead of only Rs. 50 lakhs which he expects from this tax on raw jute. *Fatka* gamblers would have gladly paid two annas per maund or ten annas a bale just as the bookmakers and Turf Club totalisators pay betting taxes without any gambling. I do not agree at all with the Finance Minister that the *fatka* benefits legitimate trade at all. He knows much more than many of us the ins and outs of *fatka* and I challenge him to deny that 95 per cent. of *fatkawallas* are not at all engaged in the legitimate jute trade. That *fatka* is nothing but gambling is proved by the following bold type advertisement in the "Ananda Bazar Patrika" which appears every day and goes on unnoticed either by the police or the authorities.

This is the Bengali advertisement, Sir :—"আপনি কি জানেন? পাটের ফাট্‌কা বাজারে দৈনিক প্রতি গাঁইট এক টাকা ও এক টাকা আট আনা উঠা নামা করে। তদ্দরুণ ন্যূনপক্ষে প্রতি গাঁইটে এক আনা হিসাবে ৫০ গাঁইটে অন্যূন তিন চার টাকা দৈনিক লাভ পাওয়া আপনার পক্ষে অসম্ভব নহে।

Sir, rendered into English this advertisement reads thus:—

The firm Mitra, Mukherjee & Co. of No. 2, Royal Exchange Place, advertises daily that with an investment of Rs. 100 in the *fatka* bazar through them one can make Rs. 3 or Rs. 4 per day. The advertiser further says—I will again read out in Bengali: "আপনি যদি কলিকাতায় থাকেন, আমাদের কাছে এসে দেখা করুণ, যদি মফস্বলে থাকেন, তাহলে আমাদের সঙ্গে খবরাখবর করুন। ন্যূনপক্ষে ১০০৲ টাকায় এই কারবার আরম্ভ করা যায়।

It means: if you are in Calcutta, come and see us. If you are in mofussil, you can entrust this business with us with a small outlay of Rs. 100.

Sir, this advertisement appears daily in the body of newspapers. *Fatka* is nothing but gambling and it is proved by this bold type advertisement in the "Ananda Bazar Patrika." As I have already said, the name of the firm which advertises is Mitra, Mukherjee & Co. They act as brokers and collect orders from individuals and place the transaction of an unit of 500 bales through the East India Association. They do not transact through the *gudri* or *kulni* markets where units are 25 and 5 bales respectively; because these markets are unlawful. I am sorry that this Bengalee firm is inviting gambling by advertisement but hundreds of Marwaris with small offices in Royal Exchange Place do not advertise but send their touts all over Calcutta to attract dupes. The East India Association—the great *fatka* chamber of frenzied speculation—claims that they are a *bona fide* body but, Sir,

the Hon'ble Finance Minister knows about the leading High Court case, K. K. Dutt Gupta *versus* Lunkaram Palwan. His friend Mr. Justice Ameer Ali delivered judgment in the case arising out of the East India Association contracts. I will read out a portion of the judgment where he said "The court had nothing to complain against the form of the contracts. It found that in substance the parties had no real intention of making or accepting delivery and that these were nothing but wagering transactions". Sir, you know very well the meaning of the expression "wagering transaction". I need hardly add that the best brains of the Calcutta Bar were engaged by the Association and the Marwari defendant and this judgment has not been reversed by the Full Bench or the Privy Council. My friend Mr. Humayun Kabir raised the question as to who is to bear the burden of this tax which is payable, according to the Bill, by shippers and mill-owners. As a humble student of Economics I would say without hesitation that the incidence may fall on the growers and my reasons are these. A manufacturer of jute sells his hessian or sackings at a margin of profit which varies according to demand and supply of fabrics abroad and also according to the cost of raw jute. As a businessman he will add this two annas per maund or Rs. 3-6 per ton on his cost in normal times; but in abnormal times when prices of jute are high he will quote Rs. 3-6 per ton less to attract buyers and buy his jute at a price less two annas which will fall on growers. The Marwari purchasers in the mofussil are well-organised and their clients in Calcutta, be they mill-owners or shipping, are even better organised and all of them have much more bargaining power than the poor cultivators in the villages who would rather sell their small lots at two annas less in the *hats* than carry them back to their distant cottage homes. The same argument will apply to shippers' cost and sale price. Professor Humayun Kabir rightly said yesterday that the *raiyats* are already heavily taxed and I agree with him. On page 138 of the excellent book "The Man behind the Plough", written by the Speaker of the Legislative Assembly, the author analysed incidence of taxation per head in Bengal from customs duty, and salt (Imperial taxes), excluding of course income-tax is Rs. 1-8, provincial tax, *viz.*, Land Revenue, Excise, Stamps, Registration, Schedule Taxes Rs. 1-10, local cess, three annas union rate, three annas, land tax, *viz.*, rent excluding revenue is Rs. 3 per head and the total for rural Bengal is well over Rs. 5-4 per head. In the same book on page 118 we find that an average *raiyat's* family grows about 14½ maunds of jute and that family according to the present scheme of taxation of two annas per maund on jute will have to pay Rs. 1-13. Four adults being the members of an average family, each adult will have to pay at least seven annas per head in addition to Rs. 3 per head for rent. Hon'ble Mr. Suhrawardy will kindly take note of these figures and say whether Bengal *raiyats* are over-burdened with taxes or not.

It is all very well for the Hon'ble Minister to take credit for the high price of jute the cultivators are now receiving after widespread restriction of cultivation by a Statute, but he forgets that the price of any commodity must rise if supply is halved by law. Say, there are 200,000 milk-yielding cows in Calcutta and suburbs. You order half of them to be removed or slaughtered; naturally the price of milk will rise by at least 50 per cent. if not 100 per cent. He forgets that by this restriction and regulation he has taken away the living of many more than 500,000 day labourers who were engaged on jute cultivation at 8 annas to 10 annas per day. These landless labourers out of employ are bound to depress the level of wages all over Bengal, and that is exactly what is happening to-day. Apart from this very grave problem of forced unemployment of lakhs of poor people by law, even the jute-growers' apparent benefit resulting from the high price for his jute on account of restriction of cultivation is, in my opinion, only illusory because with a small average profit of Re. 1 per maund, when there was bumper crop before restriction, he could sell 15 maunds and earn a profit of Rs. 15, whereas now he can sell only 5 maunds at an average profit of Rs. 3 per maund and earn the same Rs. 15. According to the best authority, the cost of jute per maund inclusive of rent, rates, taxes, seeds, manure, human and bullock labour is less than Rs. 5 per maund under normal conditions. The Ministry before legalising restriction supposed that low prices in the past were primarily due to over-production. This is not supported by facts and figures. Sir Azizul Huq says in his book that in 1925-26, the price of jute was Rs. 18-13 per maund, the production was 84 lakhs of bales, consumption only 94 lakhs. In 1926-27 production 124 lakhs, consumption 108 lakhs, price Rs. 8-4. In 1927-28, production 130 lakhs, consumption 106 lakhs, price Rs. 8-4. In 1928-29 production 105 lakhs, consumption 108, price Rs. 9 per maund. People often cite the example of the tea industry and its benefit after wide-spread restriction of cultivation; but they forget that as a result hundreds of thousands of poor plantation labour lost their jobs and returned to their up-country homes and only hundreds of big planters like our esteemed Judicial Minister, the Hon'ble Nawab Sahib, reaped the benefit.

I can dilate on this subject for hours citing facts and figures in support of my arguments but that will not unsettle the settled fact that the *fatka* market must continue for the benefit of the lucky few and ruination of many. I am seriously told that the Ministry dare not abolish the *fatka*, because the *fatkawallas* with their wonderful ramifications extending from Simla to Calcutta and from Calcutta to Darjeeling are powerful enough to upset the Ministry or even the Coalition Party. I would gladly invite my mofussil friends, the Khan Bahadurs and the Rai Bahadurs, to come and see for themselves the frenzied

fatka market in Royal Exchange Place. The Ministers hear their yells day after day from the Secretariat. An explosive bomb alone can dislodge the mad gambling there.

Mr. W. F. SCOTT-KERR: Mr. President, Sir, my party have supported the Bill through both the first and second readings and, as I said before, we fully agree with the objects and reasons of this measure. We must, I think, congratulate the Hon'ble Minister on the speed with which he has piloted the Bill through the House. Although the pace has been pretty hot, there have been no hitches, and he will shortly be in a position to lay his hands on the proceeds of the tax that appear to be so badly required. It again appears necessary to point out that it should not be the responsibility of this House to dot the governmental i's and cross their t's, or to correct printing errors in the draft. We know that the Bill still contains some examples of slip-shod drafting which however it has not been able to correct owing to the absence of the time to do so. I should like to take this opportunity to correct a misunderstanding that seems to have arisen in the mind of the Hon'ble Minister over a remark I made during the first reading of the Bill.

If you remember, Sir, I said that we had no fault to find with the meditated expenditure from the proceeds of this Bill for purposes of jute regulation so long as Government bore in mind that to stabilise prices was not the same as to raise prices. I added that the present scheme was a jute regulation scheme and not a jute restriction scheme, and I said that if prices were raised unduly, Government would kill the goose that laid the golden eggs. What I naturally inferred was that it would be a wrong policy to restrict jute below expected demand for it, and produce a squeeze in the market and consequently high prices. Sir, strangely enough, I meant exactly what I said and I also spoke from philanthropic motives. It is, Sir, an undisputed fact that as the price of jute rises, the demand for it falls. It is no use contradicting that, as it has been proved over and over again during the passage of years that if demand falls, mills' purchase of jute will fall too. After all, Sir, that is more or less logical. If you go into a shop to buy an article for which you always pay Rs. 2 and if you are asked Rs. 4 for it, you adopt one of the three attitudes—either you do not buy it, or you buy less than what you would have bought otherwise, or you buy something different that will serve the same purpose and which is cheaper. Exactly the same applies to jute. I can give you instances to show that years ago, before Government started regulating jute, valuable markets were lost for ever owing to high prices. The Hon'ble Minister appears to think that the present volume of trade is bound to continue whether jute costs Rs. 15, Rs. 50 or Rs. 150 per maund, and

with that thought in his mind he accused the Jute Mills Association of grudging paying the *raiyat*, or, say, the cultivator, Rs. 30 per maund for jute.

The Hon'ble Mr. H. S. SUHRAWARDY: Will the honourable member please repeat his point? I could not follow him.

Mr. W. F. SCOTT-KERR: The Hon'ble Minister appears to think that the present volume of trade is bound to continue whether jute costs Rs. 15, Rs. 50 or Rs. 150 per maund, and with that thought in his mind he accused the Jute Mills Association of grudging paying the *raiyats*, or the cultivators Rs. 30 per maund for jute. That statement, Sir, is not correct. The Jute Mills Association do not grudge paying high prices for their jute, but they do know that if prices rise to the dangerous level that has been suggested by the Hon'ble Minister, demand will fall and mills' purchase will contract very considerably. I assumed, Sir, when I spoke that the Hon'ble Minister would prefer all the cultivators in Bengal to receive a fair price for their jute, rather than, say, half the cultivators to receive a price which would be far too high to be healthy. I also assumed that the Hon'ble Minister would prefer to collect the tax on a purchase by mills of, say, 60 lakhs of bales rather than on mills' purchase of, say, 30 lakhs of bales.

Mr. BIRENDRA KISHORE ROY CHOWDHURY: Sir, I rise to support the motion that the Bill as settled by the Council be passed. It is, of course, needless for me to say that my support would have been more whole-hearted and without any reservation, if some of the amendments which were moved to the provisions of the Bill had been acceptable to the Government. The plight of the jute-growers in this province during the last few years has been the plight of the province as a whole. Production of jute has been the one main source of prosperity for Bengal. With the sharp fall in the price of jute and the consequent financial handicap of the jute-growers, the economic condition of the province has deteriorated to a degree absolutely unforeseen. In view of this, whatever steps the Government may take for the improvement of the condition of the jute-growers should be welcome to the public.

Sir, during the last four years both by reason of the grant by the Government of India of a large percentage of the proceeds of the jute export duty to Bengal and by the passing of other taxation measures, the finances of the Provincial Government have considerably improved. In fact, the income of the Government has increased by nearly 40 per cent. In view of this, I should have expected that such urgent matters as the improvement of the condition of the jute trade would be dealt with from the ordinary revenues of the province. It is unfortunate, Sir, that this could not have been done. All the extra income of the

Government has been absorbed virtually in carrying on the routine administration. A tax on the sale of raw jute appears to us on this account to be rather unnecessary. But as the preamble to the Bill definitely provides that the proceeds of the tax will be devoted specifically to the improvement of the condition of the jute-growers and the jute trade, I am supporting this measure, though, as I have pointed out already, with no great enthusiasm.

The Hon'ble Finance Minister has summarily disposed of our objections regarding the incidence of this tax. He seems certain that this incidence will fall upon the purchasers and not upon the growers. But, he adds, even if the incidence falls upon the growers, he does not think that it will be a great burden. He believes that as the price of jute is likely to increase by more than 50 per cent., the cultivator will not find it difficult to pay two annas to the Government per maund of jute. I am not, Sir, very much impressed with this rosy picture. The jute market has greater ups and downs than other markets in this country. Temporarily, there may be a rise in the price of jute, but we need not be certain that this rise will be permanent.

While, Sir, the Hon'ble Finance Minister has summarily disposed of our objections regarding the incidence, he has not referred at all to our other objection, namely, the absence of a definite scheme for establishing godowns and warehouses for increasing the holding power of the growers. We expect that a considerable portion of the proceeds of this tax will be devoted to this definite purpose. But so far there has been no scheme formulated by the Government to this effect. In its absence the taxation will be altogether unnecessary. With these few words, Sir, I support the motion.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Mr. President, Sir, I beg to support the motion for the final passage of the Bill. But in doing so, I have to offer a few criticisms. In the first place, I must say that although I have to congratulate the Hon'ble Finance Minister on the passage of the Bill which has a very good motive behind it, yet I cannot do so whole-heartedly for various reasons. The motive behind the Bill is all right. We want to improve the lot of the jute-growers in Bengal. Looked at from this point of view this Bill which imposes a tax, a part of which will certainly fall on them, can no doubt be justified. But, Sir, it would have been far better if we thought of improving their lot by tapping other sources before turning towards this one. It has been said by my young friend Professor Humayun Kabir, that the incidence of taxation on the Bengal agriculturists is the highest in India. (MR. HUMAYUN KABIR: Perhaps the highest.) I find on reference to certain books that it is really so; in fact, it is the next highest to Bombay's. In this connection, I may refer to page 346 of the Bengal Land Revenue Commission's Report where Dr. Radha Kumud Mookerjee has quoted figures

from which it will appear that Bengal has been simply bled white by the Centre. Intrinsically, she is nearly the richest province of India with a gross revenue of Rs. 37 crores 74 lakhs, but she has been rendered the poorest province in India to-day by the arbitrary adjustments of Federal Finance. The Centre has forced Bengal to part with more than two-thirds of her revenue. Bengal to-day bears the heaviest load of taxation among all the provinces of India except Bombay. This may be proved by figures showing the incidence of taxation per head in the different provinces. Taxation in Bengal per head is Rs. 7-8, as against Rs. 5-11 in Madras, Rs. 3-6 in the United Provinces and Re. 1-3 in Bihar.

So, Sir, in view of the above facts, we should have thought a hundred times before imposing this tax which is likely to increase the burden of taxation on the agriculturists of Bengal. On that ground we should say that the Minister in charge should have thought hundred times before bringing in this Taxation Bill before us. We have supported it only on account of the laudable motives behind it. It has been definitely stated that the proceeds of this tax will be entirely ear-marked for the benefit of the jute-growers. This is a novel thing, as the Minister in charge has always been very reluctant to ear-marking for a particular object the proceeds of any tax. But at last we find that he has, out of deference to the feelings of the members of this House, consented to ear-mark the proceeds of this particular taxation for the benefit of the jute-growers. I think, at the same time, that he should see that this money is not unnecessarily spent for objects which are not likely to definitely benefit the jute-growers. For example, he has said that Rs. 36 lakhs were required for the jute restriction scheme last year. But last year Rs. 36 lakhs were necessary because a complete record of all the plots in which jute used to be cultivated had to be prepared and the record had to be corrected. So, the initial cost of the preparation of record was very heavy. But from this year onward the cost of restriction of jute cultivation and regulating jute cultivation should be one-fourth of what it was last year; to my mind it should not exceed Rs. 8 lakhs next year. I hope the Hon'ble Minister will take note of it and see that unnecessarily large staff is not maintained if they cannot be fully employed. The Hon'ble Minister has told us that warehouses will be established and that the jute-growers will be helped with advances so that their holding power may be increased. I hope he will remember this and will prepare a scheme very soon and give effect to the same at an early date. In this connection, I may say, as a member of the Board of Economic Enquiry, that we have already framed certain schemes for the purpose of establishing warehouses in Bengal and it will be submitted to Government very soon. I hope Government will see their way to establishing warehouses at an early date. (The Hon'ble Mr. H. S. SUHRAWARDY: We have not got the

scheme yet.) You will get it very soon. It is true that the taxation in Bengal is very heavy, and yet we had to go in for fresh taxation because we are in need of money. It is only with the object of doing something for the agriculturists that we have lent our support to the passage of this and other taxation Bills. Bengal would not have been in this position if she had got proper treatment at the hands of the Central Government in the matter of the allocation of revenues. But we cannot afford to wait for settlement of the dispute with the Centre. We must do something immediately and unless we do this, it will be impossible for the cultivators to get on. So, I think from that point of view also this taxation bill is justified.

Then, Sir, as I have said, the Hon'ble Minister should look for other avenues in order to fill up the coffers of Government. My honourable and esteemed friend Mr. K. C. Roy Chowdhury has referred to the *fatka* market. The European Group also very strongly spoke about the imposition of a tax on the *fatka* market. It is also my strong opinion that the *fatka* market ought to have been taxed first of all, before coming up with this taxation measure. In this connection, I may say, Sir, that we raised this question during the investigations made by the Floud Commission and we examined the Director of Industries on this point. He gave it as his considered opinion that a tax of ·05 per cent. should be imposed on buyers and an equal amount on sellers in the *fatka* market. And he estimated a revenue of 1·25 crores to accrue from this source. Sir, if a mere ·05 per cent. be the rate of tax both on the buyers and on the sellers, we would get one crore and 25 lakhs from this market alone, and this is, Sir, as I have said before, the opinion of the Director of Industries, Bengal. Why should not we have that tax imposed first of all, I ask, Sir? Nobody has got any sympathy for the *fatka* market. There may be only 1 per cent. who are actual buyers and sellers in this market but the remaining 99 per cent. are all gamblers and these gamblers we should catch hold of, first of all. These gamblers should be taxed first before taxing the innocent people, the innocent purchaser, the innocent seller and the innocent cultivator.

Another thing I have already said in connection with some of the amendments and that is that the Hon'ble Minister should remember the lot of the agricultural labourers who have been hard hit by the jute restriction scheme. My friend Mr. Roy Chowdhury has already supported me on this point. Sir, the percentage of agricultural labourers in Bengal is 28 per cent. and their percentage in terms of agricultural population more than 33 per cent. They have been hard hit, as a result of which, after all, we will find that the good we are going to do to the jute-growers cannot be said to be an unmixed good,

and we may be charged with robbing Peter to pay Paul, robbing these innocent labourers and paying the amount which was due to them to the jute-growers, probably with some interest.

Just at present, Sir, in my part of the country labourers cannot get even two annas per day. There are hundreds and thousands of labourers now sitting idle, and they are not getting even two annas. Government have started relief work there but no relief work can be done in my part of the country now because the lands remain under water for six months 10 to 12 feet deep. So what the Government is doing now is that they pay Rs. 3 per family something like gratuitous relief, three rupees to a family consisting of 5, 6, or 7 members. You can imagine, Sir, how a human being can live on Rs. 3 per month! Not one but 6 or 7 human beings must live on Rs. 3 per month! Sir, this year the distress may be attributed to the failure of crops. But crop or no crop, these agricultural labourers, live from hand to mouth. Whether there is crop or no crop, I apprehend that this sort of distress in our part of the country will come every year. Something ought to be done to give relief to the agricultural labourers who have been released on account of the jute restriction (hear, hear). This is a very grave situation, Sir, and it will have to be handled very carefully and at the same time, very soon. Unless something be done in this direction, Sir, we will probably be doing more wrong than good by this jute restriction for which we are taking so much pride now-a-days.

With these words, Sir, I support the passage of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I also rise to support the third reading of the Bill but, in doing so, I have also certain criticisms to offer. First of all, with regard to the drafting of the Bill. A large number of amendments were tabled by us but, out of patriotic reasons, they were not moved, although the principles were acceptable to the Hon'ble Minister. The Hon'ble Minister, however, has agreed to consider them and to bring in an amending Bill which would satisfy the needs of draftsmanship.

Now, Sir, with regard to one point, as to the binding character of the preamble, I raised a point and your ruling was that it was not part of the statute, but that it supplies a key to the understanding of the Act. Where there is no provision in the Act itself, the preamble would be a pious wish only; that is absolutely clear. There are amendments to the preamble for ear-marking the money "solely" or "exclusively" for the purpose for which the tax is meant. If the Hon'ble Minister is inclined to accept the suggestion that this tax should be solely and exclusively meant for the purpose mentioned in the preamble, in that case, he should rather introduce a clause inside the Bill, somewhere at a suitable place, and to declare that the money realised by this tax would be ear-marked for such and such purpose.

For these reasons, the legislative guarantee should be inserted in the Bill itself. So far as I am concerned, however, I shall be fully satisfied with a personal declaration from the Hon'ble Minister. But if any amendment is made, it should be inserted in the body of the Act.

Now, Sir, with regard to the expenditure of money. I do not doubt that it would be spent for the benefit of the persons for whom the tax is meant. It has been made clear that the dominating factor which controls the jute market and which forces up the price of jute in one day and brings it down the next day, or it may be in one hour and the next, is the *fatka* market. The condemnation of the *fatka* market has been unanimous and persistent and I should be satisfied, not with taxing the *fatka* market, but with doing away with the *fatka* market altogether. In fact, a crore of rupees would be very much welcome to the province by taxing the *fatka* market; but I think the province should be rather morally richer by foregoing that amount of one crore if, by a short Bill, it can do away with the *fatka* market altogether. I submit, subject to consideration by experts, that the *fatka* market should be abolished. In fact, it is gambling pure and simple. Gambling by persons of small means is punished. If there is gambling anywhere in the fairs, in the villages, in towns, people are arrested and I have myself taken part in the prosecution of unfortunate people of small means who indulge in this sort of pastime. But we find, as has been pointed out by Mr. K. C. Roy Chowdhury, that persons interested in this business, reside in Simla, in Calcutta or in Darjeeling and they escape punishment. If small people could be prosecuted without any consideration at all, what about large people—people with large income—dealing with lakhs and lakhs of rupees, dealing with the fortunes of our jute-growers, gambling with the fortunes of our country? It is not by any tinkering legislation that this evil can be stopped. The disease of the jute trade is the fluctuation of the market. It is not the normal fluctuation of demand and supply. That is healthy and can well be encountered; but this artificial fluctuation caused by fictitious sales and purchases, having no connection with reality, this terrible fluctuation is the cankerous disease of the trade.

In these circumstances, a tax will certainly be welcome; but if the *fatka* market can be done away with altogether, that would be more welcome to me. People would be rather glad to pay a little more tax in other directions rather than be subjected to the artificial fluctuations of the market with all its evil consequences. The by-ways of the *fatka* market are well known or rather notorious. Its effect is felt by higher circles—or even from top to bottom. So, the energies and resources of Government ought to be directed to stop this *fatka* market. Both the Houses of the Legislature, irrespective of caste and creed, irrespective of party complexion, the entire battery of the Council and

the Assembly, ought to be directed towards supporting Government in case they want to abolish the *fatka* market. Will the Hon'ble Minister kindly consider our feeling in this matter and if he feels that the *fatka* market is nothing but a place for gambling, then why should it not be treated as an ordinary gambling? If it is gambling, then it should be rooted out altogether. No question of profit should arise by encouraging gambling. With these remarks, I submit that this Bill is a good measure likely to do good to the people, but much remains to be done still. In these circumstances, I agree to the third reading of the Bill, subject to the considerations as stated above.

Rai Sahib JATINDRA MOHAN SEN: Sir, I am very sorry that I have to strike a rather discordant note amidst this chorus of congratulations for the Hon'ble Minister for bringing in this measure—for trying to bring about a millennium for the poor cultivators of Bengal. In the very beginning, I would characterise this Bill as a sugar-coated bitter pill. The sugar-coating is in the preamble that the object of the Bill is "the stabilisation of jute prices, the improvement of marketing and generally the furthering of the interests of the jute-growers of the province and of the industry as a whole". Sir, my humble submission to the House is that very little will come out of the provisions of the Bill. If the Finance Minister had said that he was in want of money and that he should have money for the purpose of carrying on the administration of the province, and for that purpose taxation of jute was necessary, I could have understood him and would have congratulated him on his fairness and would have whole-heartedly supported him. But when I find that he says that this money is wanted to give stability to jute prices, to improve the market generally and further the interests of jute-growers, then I cannot help being sceptical, because for the last 4 years during which the present Ministry has been in charge of the administration of this province, we have not come across any policy or any scheme for the improvement of the lot of the jute-growers except that during the last two years a survey has been made for the purpose of restricting the growing of jute. Now, Sir, I have very great doubts whether the way in which jute-growing is going to be restricted will ultimately improve the condition of the jute-growers. Sir, almost every one of my colleagues here, except the honourable member belonging to the European Group who has supported the measure, has done so only verbally, because in doing so each of them has also criticised the Bill in the strongest terms. Mr. Krishna Chandra Roy Chowdhury has dwelt on the Futures Market in the major portion of this speech and my friend Khan Bahadur Saiyed Muazzamuddin Hosain also has spoken very little on the utility of this Bill. On the contrary, he has very clearly made out that he has grave doubts with regard to the utility of this measure. And as regards Khan Bahadur Naziruddin Ahmad, he has also expressed very grave doubts with

regard to the ultimate benefit which this Bill will give to the jute-growers. Of course, I can understand their position, because being members of the Coalition Party they have got to support this measure, but in their heart of hearts really they feel that they are not in a position to support it. I may be pardoned for saying that their support is lip-support but not hearty support. (Khan Sahib ABUL QUASEM: Question, question.) You may question but in the way in which the honourable members who spoke before me attacked the principle of the Bill and said that there were other methods and other ways in which money could be obtained, it is apparent that they are an unwilling party and I may be pardoned for saying that that support is not a hearty but superficial support. I may say, Sir, that this tax will eventually fall upon the jute-growers. Jute-growers are very poor: they are not united: they have no union and by various means the burden will ultimately be shifted upon them. I am quite sure that the ultimate burden of the tax, by some sort of manipulation, will fall on the jute-growers. They will not be strong enough to stand against the rich mill-owners and shippers and by some sort of manipulation the tax will be shifted on to the jute-growers. I cannot believe the mill-owners or the shippers will pay this tax out of their own pockets, —ultimately the poor cultivators will be made to pay it. That is, Sir, my honest belief and that is also perhaps the belief of the honourable members who have spoken before me, apparently in support of the Bill. In these circumstances, Sir, I feel bound to oppose this measure.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, I support the third reading of the Bill and in doing so I have a few observations to make. I do not think Mr. Sen is right when he says that every-one on this side of the House is rendering lip-support to this Bill and that in their heart of hearts they are not in favour of it. We have not committed ourselves to the principle of restriction and our policy is to regulate cultivation, it may be by increase or reduction of cultivation. The real object of the Bill has got the support of everybody, viz., that the jute industry and the jute trade should receive much more attention of the Government and the public in general than it has received up to now. This is a welcome feature of the Bill. I do not want to go into details but one point on which I wish to lay stress is that last year there was an expenditure of Rs. 33 lakhs for the work of survey and restriction and for that purpose Government had to employ a large staff figures whereof mounted up to about 20,000. Now, Sir, the problem that the Government will have to face is that now that funds have been made available to the extent of Rs. 50 lakhs there will be tremendous pressure from this huge army of employees for making them permanent; and if there be no work available for jute, they will find other work themselves and say that they are doing useful work for the benefit of the jute-growers.

Therefore, Sir, I would warn the Government that pressure may be brought upon them from that quarter, and so every effort should be made to see that the staff is reduced to a legitimate and proper size for the work that is to be done, namely, for regulating jute cultivation and that no surplus staff is kept for any purpose whatsoever under any pretext. In that case, as Khan Bahadur Saiyed Muazzamuddin Hosain has pointed out, the probable cost on that account cannot be more than 8 lakhs of rupees and thus we will have a surplus of 42 lakhs of rupees. Thus, there will be ample money available to the Government which itself will be a source of great pressure upon the Government to do something more for the jute-growers. Therefore, Sir, I should draw the attention of Government to this aspect, namely, to the question of retrenching the staff they have got now. This staff should not go for another season or another two seasons and thereby enable them to establish their claim to permanent service at the cost of this tax.

The Hon'ble Mr. H. S. SUHRAWARDY: Mr. President, Sir, I have listened with very great attention to the speeches——

Mr. HUMAYUN KABIR: Mr. President, Sir, will his be the last speech? In that case there are a few speakers from this side as well as from that side who stood up to draw your attention. Probably they could not catch your eye.

Mr. PRESIDENT: Order, order. Mr. Suhrawardy.

The Hon'ble Mr. H. S. SUHRAWARDY: Mr. President, Sir, I have listened with very great attention to the speeches which have been made in support of this Bill and to the criticisms levelled against it most of which are outside the purview of this Bill.

I do not know, Sir, whether in replying to the debate I should be drawn into the question of the futility or utility or the dangers or the advantages of the *fatka* market. This matter has been considered from time to time and the general view of the trade is not in favour of its abolition in spite of what Khan Bahadur Naziruddin Ahmad may say. The matter was considered very seriously at the time of Sir John Anderson on a representation made by the mill-owners and after considering all the aspects of the problem Sir John Anderson who probably understood more about these than anybody else has understood or will understand turned down the proposal. The matter was again considered by this Government and we waded through a considerable amount of literature in order to satisfy ourselves whether the *fatka* market as a futures market was necessary or not and the amount of literature on this subject which we studied, I may state before the House, was colossal. The general view is that in a business of this type a futures market is absolutely necessary. Let me give you just

a small illustration as to what might happen if a futures market is not existent for the purpose of spreading prices throughout the year. I may state at once that the Indian Jute Mills Association and the mill-owners in particular, perhaps the Association as a whole are in favour of its abolition. We have hitherto had experience of jute-growers bringing their jute into the market in large quantities at certain periods of the year, that is to say, between August and November and that is what happened even when there was a short crop. Therefore if there is no futures market to spread prices over the year, the jute mill-owners can always purchase jute at a cheap rate at the time when the agriculturist floods the market with his jute and after he has parted with his jute and the jute has gone into the hands of middlemen or the mills, what does it avail the agriculturist if the price rises. The Futures Market however spreads over the price, because it takes into consideration from the beginning the possible demand and the possible supply. It is for this reason, Sir, that one feels that it is not in the interests of the agriculturist to abolish a futures market but it is very much to the interest of the jute mills that it should be abolished.

Then again, Sir, the futures market is very useful for certain other legitimate purposes. It has been stated by Mr. K. C. Roy Chowdhury, who appears to be a new comer in the field of economics, and has been repeated by another honourable member, I think Khan Bahadur Saiyed Muazzamuddin Hosain, that the greater portion of the transactions in this market are gambling transactions and a very small proportion which Mr. Roy Chowdhury calculates at 5 per cent. are hedging or business transactions. I do not know where the honourable members got this figure from. (Mr. KRISHNA CHANDRA ROY CHOWDHURY: From the Jute Enquiry Committee Report.) I have not read that portion of the report but so far as I am aware the major portion of the transactions are hedging transactions and a fairly small proportion are gambling transactions. For genuine business, therefore, a Futures Market is required.

Now, Sir, I am not going to enter or be drawn into a discussion on the *fatka* market, as I am not prepared with the literature on the subject which I could have placed before the House. I have always felt that the Futures Market as it operates at the present moment is in need of considerable reforms. I have not suggested for a moment that the Futures Market is operating as it should operate, or that its rules and regulations are perfect or that it is only useful for purposes of business or for hedging transactions. It is for this reason that we secured the services of a gentleman who is considered to be one of the best experts of Futures Markets: we secured his services to examine the Futures Market both jute and hessian and give us a report as to how the markets could be reformed. He has submitted a preliminary report. Unfortunately he had to go back to England. We are expecting him out very soon and we hope that we shall have the co-operation

of the trade and of the mill-owners and of the business in general in putting the Futures Market on a proper basis, so that it can function definitely as a business market and should not be utilised by gamblers to any extent.

Sir, Mr. K. C. Roy Chowdhury has read an advertisement from the "Ananda Bazar Patrika" inviting people to gamble in the Futures Market—in the 50 bales Futures Market. Now, Sir, the only futures market which is recognised is known as the East India Jute Association which deals in 250 bales as the minimum transaction, and I fail to understand how a Futures market of this type which deals in 250 bales and in which brokers have to take great risks, can be utilised by poor persons like *gariwallas* and people of that type. These persons gamble in the market known as the *katni* market where I believe transactions of 5 or 10 bales are entered into. That is a market which is obviously an illegal market and nobody for a moment can support the existence of such a market. It can never be of any use either for hedging purposes or for business purposes and cannot be of any use to anybody except a gambler. Everybody realises that, but to say that all "Futures" markets, even the East India Jute Association, are operated on by *gariwallas* and *parawallas*, is drawing too drastic a picture of the actual situation. Regarding taxation of the Futures market, I think I have stated twice on the floor of this House that this is a matter which I have already taken up for consideration;—whether it can be satisfactorily taxed, to what extent such taxation will affect the re-formed market and what the amount of taxation should be—these matters will certainly receive my most careful consideration. I shall pursue the matter to its logical conclusion, because if I can get some-money out of it, I shall be only too happy to do so in order that I may introduce those ameliorative conditions in the country for which we are all gasping. Again to come back to Mr. K. C. Roy Chowdhury, I do not know why I am referring so often to him to-day, but perhaps I am doing so because of the fact that he has read out a vigorous speech on the matter. He says as a humble student of Economics that the two annas tax will surely fall on the jute-grower and has given certain figures for which he has drawn not a little bit upon his imagination. He says that inasmuch as an unregulated jute crop generally yields a profit of one rupee to the agriculturists, a regulated crop must yield a profit of three rupees to them so that they may have the same income, is, to say the least of it, not justified by an economic theory or by facts. I have pointed out to the honourable members that the unregulated crop of last year, far from yielding any profit, had to be sold by the agriculturists at a loss; if we had followed it up with another unregulated crop, then, far from yielding any profit, not only the last year's crop but this year's crop also would have remained unsold; it would have fetched no price. Indeed, no question of profit can arise under

such circumstances. On the floor of the House and in another place honourable members, who are more in touch with the agriculturists than Mr. Krishna Chandra Roy Chowdhury has been or will ever be have stated that jute fell so low as to sell at Rs. 2-8 per maund.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: I never said so, Sir.

The Hon'ble Mr. H. S. SUHRAWARDY: I am not talking of you, but I am talking of those who know, who are in touch with the agriculturists and who know more about agriculturists than Mr. Roy Chowdhury does; those honourable members stated on the floor in another place that cross-bottom jute was selling at Rs. 2-8 per maund. This jute of last year is selling now at Rs. 8 per maund this year.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Perhaps that is the refuse of the last year's jute.

The Hon'ble Mr. H. S. SUHRAWARDY: If Mr. Roy Chowdhury says that it is the remnant of last year's jute, then he knows still less of the subject and he should not interrupt me and betray his ignorance of the subject. Sir, he has read out a considered speech and by interrupting me in this way he proves his ignorance. I am now talking of cross-bottom jute which last year was sold at Rs. 2-8. There is a certain amount of that jute still in the hands of the middlemen and also in the hands of the cultivators and that jute is selling at Rs. 8 a maund. The cross-bottom jute of this year is fetching still higher and better prices. Therefore, to say that an unregulated crop will yield a profit of one rupee and a regulated crop should yield a profit of three rupees is, to say the least, drawing upon one's imagination.

Now, Sir, regulation has undoubtedly contributed to the high price which jute is securing at the present moment, and if the figures are worked out it will be found that it has definitely increased the wealth of the agriculturist. Owing to this regulation the other portions of land, as those honourable members who are in touch with agriculturists know, are being utilised for sowing paddy. But although in some places paddy has failed, in most places there has been a good harvest of paddy which is fetching good price with the result that the agriculturist is able to bring his jute into the market in driblets and to sell it at better and better prices. Of course, this cannot be carried to an indefinite extent as this may harm the agriculturists in the long run. And here I come to the point raised by

Mr. Scott-Kerr. His statement reminds me of what a much greater man has said or reported to have said in the days of old, namely, *et tu, Brute*. I am probably the only one on this side of the House who believes in the danger of substitutes and to charge me with the view that the volume of jute trade will continue to be as it is, whether the price of jute is Rs. 15, Rs. 50 or Rs. 250, is, to say the least, distinctly unfair. I am quite aware and I know that if the price is too high, trade will decrease and that the "goose" about which Mr. Scott-Kerr spoke when he initiated the debate, that lays golden eggs—the golden fibre,—will be definitely killed. I do not think it is to the interest of the agriculturist that the price of jute should rise so high that the industry will be damaged, and when we talk of stabilisation of jute prices we keep this in mind. We would like the jute-growers to receive a suitable and adequate price year after year and much on the same level, whether it is Rs. 10 or Rs. 12, whatever it may be, he should get the same level of price year after year instead of Rs. 20 or Rs. 15 one year and then Rs. 6 or Rs. 7 next year. The agriculturist should know approximately what he will get year after year for his jute. I know fully well that if the price of jute is too high then the manufactured commodity will have to be sold at a high price to the intending purchasers and consumers higher than they can pay and this will damage the jute trade and the jute-growers ultimately. They may get a good price for a year or two, but in the end it will cause them permanent damage and injury. Now, Sir, what I did say was that Mr. Scott-Kerr and his colleagues should not grudge paying a higher price if they can sell their goods at a parity price to the American consumers. If they can secure a high price for their manufactures, then they should pay parity prices to the agriculturists. Of course, on this occasion the agriculturist is in a better position than the Jute Mills, and that is the reason why when the honourable members close their eyes and their minds and constantly repeat the jargon that the taxation will fall on the jute-growers, I feel I am helpless.

At the present moment, when the jute-grower is getting the price that he can command, how can any one say that the Indian Jute Mills are in a position to deduct this two annas from the purchase price? Of course, this can only be said by persons who are wholly out of touch with business, like Mr. K. C. Roy Chowdhury. Perhaps Mr. K. C. Roy Chowdhury and others of his way of thinking do not know that there was a time when the jute mills competing amongst themselves were undergoing a loss of lakhs and lakhs of rupees every month and could not help themselves. But they may put themselves in the position of being able to add the taxation to the cost and sell their goods at a higher price. That is a position which they have now to some extent been able to secure by combination or agreement amongst themselves and that enforces my argument that if they like

they can always make their consumer pay the tax. However, I am not going to be drawn further into a discussion on that point which has been thrashed out fully in this House and in other places but which unfortunately leaves those persons who cannot see and who cannot hear still in doubt. Sir, I do feel and I entirely agree with Mr. Scott-Kerr that if prices rise demand will fall and the mill purchases will contract but, as I pointed out on the last occasion to Mr. Scott-Kerr, may I enquire who is responsible for this at the present moment? To-day you are selling 8 oz. hessian at a price somewhere near Rs. 22 which is a very high price and this is bound to result in consumption contracting. This is bound to result in scaring away some of your purchasers. But who is responsible for it? Not consumption, not this regulation, not the high price of jute because there is still a great gap between the price that is being paid to the agriculturist and the price at which you are selling not only your ready goods but also your forward goods. Who is responsible for it? I think Mr. Scott-Kerr ought to look to his own people. We warned Mr. Scott-Kerr and his colleagues long ago that if they continued this policy in order to get a high price for their forward contracts and if they continued to restrict their present production, they would lose their business in the long run. It would appear that they themselves are killing the goose. Well, this is my view of the situation and I think a time will come when Mr. Scott-Kerr and his colleagues will accept it. Mr. Scott-Kerr may be adamant but a large number of his colleagues are thinking very seriously regarding this position, that they have by their own acts, in order to increase their profit, I would not use a harsher word than that, have brought about a situation which may permanently damage the industry.

Sir, it has been stated again that taxation on the agriculturists is too heavy or rather very heavy. If it is very heavy, Sir, we can do nothing but regret it. One has got to see what the requirements of the province are, and I hope that the honourable members will agree with me that if they want more funds and if they want to ameliorate the condition of the people, they have got to be taxed, you cannot avoid it. Money cannot fall from the sky. It is most regrettable that we have to go in for this taxation. Surely, any form of taxation is bound to make any Minister imposing it unpopular. I am courting this unpopularity because I feel we shall be able to return this money to the agriculturists in a larger measure. We may take a small amount from the industry, and the agriculturists will get back much more than we are taking from the entire industry, and it is because we feel that this taxation will benefit the agriculturists much more than the sacrifice that we are calling upon the industry to bear that we are imposing this taxation and I do hope that in our schemes we shall have

the co-operation of the honourable members of the Legislature so that moneys that we receive should be spent in a proper manner.

Khan Bahadur Saiyed Muazzamuddin Hosain has said that the Minister should have thought a hundred times before imposing this taxation. May I tell the Khan Bahadur that I have thought a thousand times and not a hundred times before I brought this taxation measure. This measure had been under consideration for a very very long time and we staved it off in the hope that so long as there was the slightest chance of things improving in the usual course this measure would not be brought. But as the jute regulation scheme has been attended with success we were encouraged to bring this measure.

Sir, another new point has been raised. I will certainly consider the case of the labourers who have been hard hit this year. I have agreed to enquire into the matter. I may state here to the honourable members that it is not likely that this amount of regulation will be repeated in any year as far as one can forecast. Unless things change drastically, we are not likely to repeat the present rate of regulation. We had to go in for one-third regulation of crop this year on account of the unregulated crop of last year, for unless we had gone in for drastic regulation this year, last year's crop itself could not have been sold at the price we wanted it to fetch. The mills really came at that moment to the rescue of Government and the agriculturists would not have been paid the minimum had the mills not been assured that the next year's crop would be regulated and the crop would be spread over two years. Therefore, Sir, it is not likely that we shall again go in for one-third restriction unless something very drastic happens, and the demand contracts to an unforeseen extent. Therefore, I am hoping that next year the condition of the labourers will not be as bad as this year.

Sir, I hope that I have been able to satisfy some of the honourable members regarding our good intentions in this matter and our desire for the co-operation of the House. I am sorry if I have not been able to convince some other honourable members. But after all it is a question of view point. We may go on arguing eternally over matters which are really in the nature of belief as the belief of Rai Sahib Jatindra Mohan Sen; it is his belief and firm belief that this is so and nothing, no amount of economic truth and no amount of facts, will ever be able to change him from that belief. That shows how difficult it is to induce a man to change his belief by arguing with him. I can only hope that I shall do my best and that this House will, may be at some future date, be in a position to compliment the Government that it has made genuine attempts to ameliorate the

condition of the jute-grower and to increase his prosperity. I have nothing more to add, Sir, and I thank the honourable members for their support of the Bill.

Mr. PRESIDENT: The question before the House is: that the Bengal Raw Jute Taxation Bill, 1941, as settled in the Council, be passed.

(The motion was agreed to.)

The House now stands adjourned till 2-15 p.m. on Friday, the 12th September, 1941.

Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 12th September, 1941.

Members absent.

The following members were absent from the meeting held on the 10th September, 1941:—

(1) Mr. Altaf Ali.
(2) Mr. Kader Baksh.
(3) Rai Bahadur K. C. Banerjee.
(4) Mr. Shrish Chandra Chakraverti.
(5) Mr. Narendra Chandra Datta.
(6) Mr. Kamini Kumar Dutta.
(7) Khan Bahadur Alhadj Khwaja Muhammad Esmail.
(8) Mr. Kanai Lal Goswami.
(9) Mr. Mohamed Hossain.
(10) Maulana Muhammad Akram Khan.
(11) Rai Bahadur Brojendra Mohan Maitra.
(12) Begum Hamida Momin.
(13) Mr. Naresh Nath Mookerjee.
(14) Dr. Radha Kumud Mookerji.
(15) Mr. Ranajit Pal Chowdhury.
(16) Dr. K. S. Ray.
(17) Mr. J. B. Ross.
(18) Mr. Sachindra Narayan Sanyal.

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THE BENGAL LEGISLATIVE COUNCIL DEBATES

Second Session—No. 26.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 12th September, 1941, at 2-15 p.m., being the twenty-sixth day of the Second Session, pursuant to section 62 (2) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Middle English Scholarships.

***105. Rai Sahib JATINDRA MOHAN SEN (on behalf of Mr. Nagendra Narayan Ray):** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state the number of Middle English Scholarships—

(*i*) General; and

(*ii*) Special for—

(1) Moslems, and

(2) Scheduled Castes?

(*b*) What is the unit for distribution of those scholarships, general and special?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*) (*i*) Boys 149 and girls 14 (including 2 reserved for Eden High Schools for Girls, Dacca).

(*ii*) (1) Boys 56 and girls 2.

(2) Boys 56 (including educationally backward classes) and girls 20.

(*b*) General and Special for Muslim boys—District.

*This question remained outstanding from the previous Session.

Scheduled Caste boys—in Dacca and Bakarganj Ranges and Chittagong Division—District.

In Rajshahi, Presidency and Burdwan Divisions—Division.

General and Special for girls—

In Presidency and Burdwan Divisions—Division (excluding Calcutta).

In Dacca Circle—General—District.

Special for Muslims and Scheduled Castes—Division.

Income of the Kothal Kali and Bispore Khaur Chauka ferries.

84.* Rai Bahadur BROJENDRA MOHAN MAITRA and Rai Bahadur MANMATHA NATH BOSE: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to lay on the Table a statement showing the income of the following ferries in 1817, in 1855, in 1864 and in 1940, namely:—

(*i*) the Guzar Gaurangapur or Kothal Kali Ferry; and

(*ii*) the Bispore Khaur Chauka Ferry?

(*b*) Has there been any fall in the revenue, in any year mentioned above? If so, will the Hon'ble Minister be pleased to state the reasons for such fall?

(*c*) Will the Hon'ble Minister be pleased to lay on the Table the copies of all the correspondence passed between J. P. Ward, Esq., Acting Secretary to the Board of Revenue, and W. R. B. Bonnett, Esq., Collector of Rajshahi, in 1817, with regard to the ferries mentioned above?

(*d*) Will the Hon'ble Minister be pleased to refer to the answer to Council question No. 41, given on the 12th August, 1938, and state if enquiries were made to the office attached to the Keeper of Records, Bengal?

(*e*) Is it a fact that some copies had already been supplied to some private individuals, and that the answer referred to above was given without making a thorough search?

(*f*) Will he be pleased to lay on the Table, the copy of the said paper asked for in the said question?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) The two

*Question No. 84 was postponed on the 9th September, 1941.

ferries along with another ferry called Amirpur Ferry were settled by the Rajshahi Municipality in 1940-41 in one lot at Rs. 6,000. Figures for other years are not available.

(*b*) As stated above the information is not available.

(*c*) and (*f*) I do not think it advisable to produce copies of these official documents.

(*d*) No.

(*e*) I have no information.

As stated in the reply to question (*d*) above, no enquiry was made of the Keeper of Records on the last occasion.

Rai Bahadur MANMATHA NATH BOSE: Arising out of (*d*), will the Hon'ble Minister be pleased to state why no enquiry was made in the office of the Keeper of Records?

The Hon'ble Sir BIJOY PRASAD SINCH ROY: This is a fact which I stated. But I cannot say the reason why.

Rai Bahadur MANMATHA NATH BOSE: Will the Hon'ble Minister be pleased to state why he does not think that the copies referred to in (*c*) and (*f*) are not available, or he is not prepared to produce the copies?

The Hon'ble Sir BIJOY PRASAD SINCH ROY: It is not the usual practice to produce documents; but if the honourable member likes to be satisfied, I think they can be shown to him personally.

Suti River of Barasat.

86.* Mr. MOAZZAMALI CHOWDHURY (on behalf of Khan Bahadur Rezzaqul Haider Chowdhury): (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state if it is a fact that the Suti River, which passes mainly through the Municipal area of the Barasat subdivision, has silted up and that the current of the water during the rainy season has not an easy passage and as a consequence practically the whole subdivision is affected with malaria and other diseases due to such obstruction and accumulation of stagnant water, specially during the rainy season?

(*b*) Is it a fact that considering the urgency and demand of its excavation the Government of Bengal had undertaken the scheme over a decade ago and commenced the work? Is it also a fact that the work has been suspended? If so, when and why?

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*Question No. 86 was postponed on the 10th September, 1941.

(*c*) Is it not a fact that due to obstruction to the current, the adjacent roads and the agricultural fields are overflowed and remain under water during the rainy season? If so, is the Hon'ble Minister aware that as a consequence of this the neighbouring villages lose their harvest almost every year and are attacked with various sorts of maladies?

(*d*) If the replies to the above be in the affirmative, does the Hon'ble Minister propose to take up the question of re-excavation of this river immediately?

(*e*) Is it also a fact that the 24-Parganas District Board is considering the proposal of widening this river in co-operation with the Government? If so, when may the final decision be expected?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): I have called for information and will furnish it in due course.

Kali Puja at Rangpur Police Club.

87. Khan Bahadur MD. ASAF KHAN: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state how can the following two contradictory statements be reconciled, viz., Government communique, dated the 4th December, 1940, and published in the *Azad* on the 6th December, 1940, and in *Ananda Bazar Patrika* on the 8th December, 1940, affirming that at least one Muslim police officer objected to the performance of *Kali Pujah*, at Rangpur Sadar Police Club grounds, on the 12th November, 1940, last, but in answer to my question put to the Home Minister, and replied to on 26th of February, 1941, at the Bengal Legislative Council and the affirmation by the Hon'ble Minister to the contrary on the floor of the Council that there had been no such objection by any Muslim officer [*vide* answers to question No. 44 (*b*) and (*c*) published in the Official Report of Bengal Legislative Council Debates of the 26th February, 1941, at page 161]?

(*b*) Do the Government propose taking steps, so that performance of no religious ceremony objected to by either of the Hindu and the Muslim communities, would be allowed in premises or grounds belonging to the public or Government to which the entire or a part of both the communities have a right of access?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) The Muslim Police Officer who objected

was not a member of the Police Club; and as stated in the anwser to question No. 44 on the 26th February, 1941, no Muslim member of the Police Club objected.

(*b*) No such proposal is at present before Government.

Death of Wazedatunnessa Khatun.

88. Mr. SACHINDRA NARAYAN SANYAL (on behalf of Mr. Humayun Kabir): Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) if a representation was made to him regarding the death of Mussammat Wazedatunnessa Khatun and her new born child at the Faridpur Sadar Hospital on the night of September 19, 1940;

(*b*) what were the circumstances in which the patient and her child lost their lives;

(*c*) if the Hon'ble Minister is aware that the Faridpur Municipality at its meeting held on the 15th November, 1940, passed a resolution condemning "the culpable negligence" of the hospital authorities which resulted in the said deaths;

(*d*) if he is further aware that the Faridpur District Board at its meeting held on the 21st December, 1940, condemned the negligence and fault of the hospital staff and requested the Surgeon-General with the Government of Bengal to take necessary steps to prevent the recurrence of such an unfortunate happening;

(*e*) if any enquiry was made by the Government into the incident; if so, with what result; if not, why not; and

(*f*) what steps the Government propose to take to restore the confidence of the Faridpur public in the management and general administration of the Sadar Hospital?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) Yes.

(*b*) The patient was brought to the hospital on the 19th September, 1940, at 9-30 a.m. in an extremely bad condition. With the help of the lady doctor she was delivered of an asphyxiated child at about 9-30 p.m. After about an hour when the placenta did not come out, it had to be removed under chloroform. The patient, however, died some time later. The child was not strong enough to live unaided and it died afterwards.

(*c*) and (*d*) Yes.

(*e*) An enquiry was made by Government in the matter. It is reported that the patient arrived at the hospital in a serious condition. Her husband should have brought her to the hospital earlier. It is evident, however, that while in the hospital she was not given that much of attention which she required, by the medical staff responsible for her treatment and nursing. The lady doctor and the nurse who were then attached to the hospital and who seem to have neglected their duty towards this patient have since left it. The Civil Surgeon of the district has also since retired. As he is not easily available, it has not been possible, in the absence of any explanation from him to ascertain definitely whether he was also negligent in this matter.

(*f*) The Managing Committee of the hospital is being asked to appoint an adequate number of nurses to look after the patients and to be more vigilant about the working of the hospital, so that there may not be a recurrence of such incident in future.

Dr. KUMUD SANKAR RAY: Will the Hon'ble Minister be pleased to state with reference to answer (*f*) that "the child was not strong enough to live unaided and it died afterwards" who was responsible for not giving any aid to the child?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I believe, Sir, they were the lady doctor and the nurse who were in attendance.

Dr. KUMUD SANKAR RAY: Have any steps been taken to punish these officers for not rendering aid to the child?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: They have since left the hospital, these two, the doctor and the nurse; that is in the reply.

Dr. KUMUD SANKAR RAY: With regard to (*e*), the answer is that "the lady doctor and the nurse who were then attached to the hospital and who seem to have neglected their duty towards this patient have since left it." Can they not be traced?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I believe, Sir, they can be traced, but as they have severed their connection Government did not think it possible to take any steps against them.

Dr. KUMUD SANKAR RAY: Was any report made to the Medical Council for malpractice against this doctor?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir.

Dr. KUMUD SANKAR RAY: With regard to answer (*e*), namely, that "the Civil Surgeon of the district has also since retired," is he still getting a pension from Government?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: He seems to be receiving a pension.

Dr. KUMUD SANKAR RAY: Then how is it that he is not easily available to submit an explanation?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I am prepared to enquire into that point.

Mr. SACHINDRA NARAYAN SANYAL: With reference to answer (*e*), namely, "that he is not easily available," may I know what the Hon'ble Minister means by saying that the Civil Surgeon is not easily available?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: He is not here; not in this country.

Rai Sahib JATINDRA MOHAN SEN: With regard to the lady doctor and the nurse, were they not officers of the sadar hospital?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, they were servants of the sadar hospital certainly.

Rai Sahib JATINDRA MOHAN SEN: Was any provident fund provided for them?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I ask for notice.

Recent deaths at Ballygunge due to electrocution.

89. Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state—

(*a*) whether the recent Ballygunge tragedy from electrocution due to alternate current system prevailing in that area, has come to his knowledge;

(*b*) if so, whether he has taken up an enquiry into the cause of that unfortunate accident;

(*c*) whether he is aware of similar accidents in that area in previous years;

(*d*) if so, what steps he has been pleased to take to stop such accident;

(*e*) whether he proposes to call a conference of experts, officials and non-officials to advise him as to the action to be taken in order to stop or minimise such accidents in the future;

(*f*) whether the accident in question was due to the negligence of the deceased persons or to the system of electric current present; and

(*g*) what is the actual voltage of the current prevailing in the Ballygunge area?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) The recent fatal accident due to electrocution at Ballygunge has come to my knowledge.

(*b*) Enquiries into the cause of the accident were made by an Electric Inspector on the day the accident occurred. Further tests were carried out on the day following.

(*c*) I am aware of fatal accidents by electrocution having occurred in Ballygunge and other parts of Bengal in previous years.

(*d*) Leaflets printed in English, Urdu and Bengali, advising users of electricity to take elementary and reasonable precautions when handling electrical circuits and apparatus have been distributed. One of the precautions suggested relates to the use of electricity for radio sets; it is regrettable that accidents, many of them preventable, still occur due to the advice not being heeded. More detailed instructions regarding use of radio sets and the hanging of aerials are under contemplation.

With the object of improving electrical installation work and so minimising accidents, Government have provided by rules for the licensing of electrical contractors and the examining of workmen engaged by them. Though the scheme has only been in operation a few years, a decided improvement in electrical work is apparent.

In order that the public may have their electric installations tested periodically an order was issued by Government under rule 5 (2) of the Indian Electricity Rules, 1922 [corresponding to rule 7 (2) of the Indian Electricity Rules, 1937], providing for inspection or test of installations by Electric Inspectors appointed by Government. The minimum fee for an inspection, examination or test of a low pressure installation of 230 volts is Rs.2 only. Application for this purpose may be made to the Electric Inspector to the Government of Bengal at No. 1, Harish Mukherji Road, Elgin Road Post Office, Calcutta.

(*e*) No. The Indian Electricity Rules, 1937, are framed for the prevention of accidents and are revised and amended from time to time as occasion arises. These are dealt with by the Central Electricity Board.

If the rules are observed and the advice given by Government heeded, electrical accidents would be greatly minimised.

(*f*) The accident was due firstly to the full mains voltage passing to the aerial on account of the radio receiving set being apparently defective and secondly to the aerial which was hung very low on the roof of the house so as to be easily accessible.

(*g*) The voltage in the Ballygunge area is 230 volts A.C. which is almost universal where alternating current is supplied for use at low pressure.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: Will the Hon'ble Minister please state whether it is a fact that if the voltage of the locality is reduced to 110 or something like that, there will be no accident in future?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir, that will not be correct. Accidents will take place and deaths have occurred even with as low voltage as 50 D.C. Therefore, the curing of voltage will not minimise accidents.

Sir, may I suggest that if any honourable member wants to put supplementary questions he may do so after I have answered the next question.

90. Rai Sahib JATINDRA MOHAN SEN: (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state whether the Government have noticed in the newspapers the report of the instantaneous deaths of a Bengali gentleman and his wife by coming in contact with an electric wire in Kankulia Street in South Calcutta on the 2nd August last?

(*b*) Will the Government be pleased to state the circumstances which resulted in the sad deaths?

(*c*) How many deaths have so far taken place in South Calcutta of persons by coming in contact with live electric wires, since the installation of A.C. current by the Electric Supply Corporation Limited in that area?

(*d*) What is the usual voltage of A.C. current in that area?

(*e*) What is the minimum voltage necessary for supplying lights and fans in that area?

(*f*) Have the Government taken any precaution so that such deaths may not occur in future?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) Certain newspaper reports referring to the accident have been seen.

(*b*) The accident occurred on account of contact with a radio aerial. It was found that when the switch for the radio set was in the "ON" position, the aerial on the roof was fully charged with electricity at 220 volts A.C. on account of the radio set being apparently defective. The aerial was fixed on the roof and was unfortunately placed so low as to be within easy access of children who were playing there at the time of the accident. Rekha, a daughter of the deceased, while playing with other children, touched the bare aerial and received an electric shock. The roof of the building was very damp at the time and this condition made the shock severe. In going to Rekha's rescue her mother and father were electrocuted.

(*c*) The number of persons reported to have been electrocuted in South Calcutta, that is, in the whole of the area supplied by the Calcutta Electric Supply Corporation, south of Lower Circular Road, since A.C. has been supplied in that area is 37. This number includes all the deaths caused by electricity whether on industrial premises, domestic premises or in public streets.

(*d*) 230 volts.

(*e*) 230 volts is considered the minimum voltage for efficiently distributing electrical energy over a large area.

(*f*) Leaflets printed in English, Urdu and Bengali, advising users of electricity to take elementary and reasonable precautions when handling electrical circuits and apparatus have been distributed. One of the precautions suggested relates to the use of electricity for radio sets; it is regrettable that accidents, many of them preventable, still occur due to the advice not being heeded. More detailed instructions regarding use of radio sets and the hanging of aerials are under contemplation.

With the object of improving electrical installation work and so minimising accidents, Government have provided by rules for the licensing of electrical contractors and the examining of workmen engaged by them. Though the scheme has only been in operation a few years, a decided improvement in electrical work is apparent.

In order that the public may have their electric installations tested periodically an order was issued by Government under rule 5 (2) of the Indian Electricity Rules, 1922 [corresponding to rule 7 (2) of the Indian Electricity Rules, 1937], providing for inspection or test of installations by Electric Inspectors appointed by Government. The

minimum fee for an inspection, examination or test of a low pressure installation of 230 volts is Rs. 2 only. Application for this purpose may be made to the Electric Inspector to the Government of Bengal, at No. 1, Harish Mukherjee Road, Elgin Road Post Office, Calcutta.

Dr. KUMUD SANKAR RAY: Will the Hon'ble Minister please state whether he is prepared to make the periodical inspection provided in the Act compulsory inspection and free of charge, if possible, to prevent similar accidents occurring in future?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, Government have gone so far as to license electrical contractors after a considerable degree of examination as to their ability to carry on proper installation works. They also examine their workmen and license them and give them permits whereby they are able to perform the work properly. They have also made arrangements for inspection by inspectors for a very modest fee of two rupees, and I think that it will not be a great burden on electricity consumers to pay this small sum if they seek the services of these Inspectors. But at the same time I may say that the point raised by Dr. Roy has also crossed my mind as to whether it may not be possible to create some sort of agency by which the installation may be tested periodically without the householder having to ask for it or to make an application. I am considering this question, but I hope that the householder will be alive to his responsibility to himself as well as to his family and will not grudge the small sum of rupees two after all these facilities that Government have placed within his reach.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister please state if it is a fact that a full shock at 230 voltage is almost always fatal?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir. I do not think so. If the man is standing on dry ground, then I do not think that it would be fatal. It all depends not so much on the voltage as upon the quantity of electricity passing at the moment through the body of the man; this is the thing that makes the shock fatal.

Rai Sahib JATINDRA MOHAN SEN: Will the Hon'ble Minister please state the time or the date when the inquiry was made, with regard to answer (*b*)?

The Hon'ble Mr. H. S. SUHRAWARDY: The inquiry was made on the very same day, and also on the next day.

Rai Sahib JATINDRA MOHAN SEN: With reference to answer (*f*), it is said that the radio set was found to be "apparently defective"; may I inquire when this radio set was seized by the authorities, and if so, when was this "apparent defect" detected?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, the reason why we put down the word "apparent" is that the radio set has been seized, and a case has been started regarding this matter, and since this matter is now *sub judice* and as we do not fully know that the radio set was defective, it would not be proper for us to put down any other reason because that has not yet been fully proved. That is the reason why the word "apparently" has been used.

Mr. HUMAYUN KABIR: With reference to (*e*), is it a fact that electricity is also distributed in certain cities to a voltage of 110 A.C.?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not think that there is any such distribution in Bengal. Bengal has been standardised on 220 volts A.C.

Mr. HUMAYUN KABIR: Is it a fact that 220 or 230 voltage is more economically distributed than a voltage of 110?

The Hon'ble Mr. H. S. SUHRAWARDY: Probably it would be so. For to carry the same amount of electricity to higher voltage, you would need a thinner wire.

Robes to be worn by Advocates of High Court.

91. Rai Sahib JATINDRA MOHAN SEN (on behalf of Rai Bahadur Brojendra Mohan Maitra): (*a*) Will the Hon'ble Minister in charge of the Judicial Department be pleased to lay on the Table a copy of the rules made by the High Court of Calcutta with regard to robes to be worn by Advocates when appearing before the Court?

(*b*) Is it a fact that Advocates who had been Vakil before enrolment as Advocates are entitled to wear blue gowns without bands as also black gown with bands at their option?

(*c*) Is it a fact that the rules made by the High Court make a distinction in robes between Barristers and non-Barristers?

(*d*) Does the Hon'ble Minister contemplate to request the High Court to do away with such distinction in robes between Barristers and non-Barristers in view of the facts that the Indian Bar Councils Act

XXXVIII of 1926, contemplates only one Bar so far as the High Courts are concerned? Is it a fact that both the Barrister or non-Barrister practitioners, admitted to practise, are all Advocates?

MINISTER in charge of the JUDICIAL DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) to (*c*) These relate to a matter which is a domestic concern of the High Court, hence I am not in a position to supply any information thereon.

(*d*) Does not arise.

Copyists and typists of the Civil Courts of Howrah.

92. Khan Bahadur ATAUR RAHMAN: (*a*) Will the Hon'ble Minister in charge of the Judicial Department be pleased to state what is the total number of copyists and typists employed in the Civil Courts of the Howrah district?

(*b*) How many of them are Muslims, and how many are non Muslims?

(*c*) Did any post of typist or copyist fall vacant recently?

(*d*) If so, was it filled up by a Hindu non-Matric candidate?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur (*a*) Copyists 7 and typists 7.

(*b*) All are non-Muslims.

(*c*) and (*d*) Yes.

Khan Bahadur NAZIRUDDIN AHMAD: Will the Hon'ble Minister be pleased to state why no Muslims were taken in these posts?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I believe because there was no Muslim candidate there.

Khan Bahadur NAZIRUDDIN AHMAD: Has the Hon'ble Minister noticed that one of the supposed desirable candidates was a non-Matric Hindu?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Suppose a Muslim of that qualification was not available?

Khan Bahadur NAZIRUDDIN AHMAD: Sir, question No. (*d*) was to the effect—"if so, was it filled up by a Hindu non-Matric candidate" and the answer is "Yes". In view of this answer my question is—Was not any non-Matric Muslim available?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: The matter is still under my serious consideration, and I shall see what can be done in the matter.

Khan Bahadur ATAUR RAHMAN: If the ratio of the different communities is to be filled at this rate, will the Hon'ble Minister be pleased to state when can we expect the proper ratio of Muslims regarding appointments in the Judicial Department?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: As I have already said, it will receive my serious consideration, and I shall see what I can do in the matter.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state if he is seriously considering the restriction of non-Matric whether Hindu or Muslim?

(No reply.)

Khan Bahadur M. SHAMSUZZOHA: Will the Hon'ble Minister be pleased to state if the letter regarding ratio was circulated in the courts and whether steps have been taken to see that the principle is actually being followed in the Hon'ble Minister's departments?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: So far as circular about the communal ratio is concerned, it has been circulated, and it is being worked in the departments under me.

Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister be pleased to state if there is any rule of Government that no non-Matric will be appointed to these posts?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: These are not clerical appointments, but those of copyists and typists.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state if there was any non-Matric Muslim candidate for these posts?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I want notice.

Mr. AMULYA DHONE ROY: Will the Hon'ble Minister be pleased to state why a non-Matric was appointed?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: As I have already said, I shall give my serious consideration in the matter and see what can be done.

Khan Bahadur NAZIRUDDIN AHMAD: Is the Hon'ble Minister aware that nowadays Matric candidates pass from the University at the rate of 24,000.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Yes.

Practising in Original Side of High Court.

93. Rai Sahib JATINDRA MOHAN SEN (on behalf of Rai Bahadur Brojendra Mohan Maitra): (*a*) Will the Hon'ble Minister in charge of the Judicial Department be pleased to state if it is a fact that the Hon'ble High Court has by recent rules enabled High Court Advocates of the Appellate Side of 3 years' standing to apply for admission to practise in the Original Side of the Court?

(*b*) Does the Court maintain such restriction of 3 years' practice upon persons already enrolled as Advocates of the Court, and if so, why?

(*c*) Does the Hon'ble Minister propose to take steps for doing away with the aforesaid restriction of 3 years' practice?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: By the courtesy of the Hon'ble the Chief Justice I am able to inform the member as follows:—

(*a*) and (*b*) Yes.

(*c*) There is no present proposal to amend the rules.

With further reference to (*c*) I would add that the matter rests with the High Court.

Alipore Jail Press and Forms Department.

94. Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) what is the total number of overseers, store-keepers, head clerks, clerks in Upper Division, clerks in Lower Division, section-holders, readers in the Jail Press and Forms Department in Alipore Jail; and

(*b*) how many of them in each class are Muslims and how many are non-Muslims?

The Hon'ble Khwaja Sir NAZIMUDDIN: Information is being collected and will be furnished to the House when available.

Admission to the Calcutta Medical College.

95. Dr. KUMUD SANKAR RAY: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) the total number of applications received for admission to the Calcutta Medical College, number of admissions and number of applications rejected, year by year, during the last seven years;

(*b*) if the Government are aware that Bengali candidates are not usually admitted to Medical Colleges in other provinces;

(*c*) if it is a fact that the very few Bengali students who were able to secure admission in other provinces, had to pay fees at a much higher rate than that charged for the students of the provinces in which Medical Colleges are located; and

(*d*) if it is a fact that the accommodation for students in the two Medical Colleges in Calcutta is far below the demand for admission; and, if so, if the Government contemplate providing further facilities for students in the M.B. course by raising the standard of any of the Medical Schools in Calcutta?

The Hon'ble Sir BIJOY PRASAD SINCH ROY (on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) A statement is laid on the Table.

(*b*) and (*c*) There is no definite information with Government.

(*d*) Yes. A scheme for the conversion of the Dacca Medical School into a Medical College is under the consideration of Government. There is no proposal, however, at present for raising a Medical School at Calcutta to the standard of a Medical College.

Statement referred to in reply to clause (a) of question No. 95.

Year.	Number of applications received.	Number of candidates admitted.	Number of applications rejected.
1934-35 ..	261	91 (excluding 13 nominated by various authorities).	170
1935-36 ..	260	90 (excluding 15 nominated by various authorities).	170
1936-37 ..	281	Ditto ..	191
1937-38 ..	217	88 (excluding 17 nominated by various authorities).	129
1938-39 ..	259	93 (excluding 13 nominated by various authorities).	166
1939-40 ..	296	91 (excluding 16 nominated by various authorities).	205
1940-41 ..	247	76 (excluding 14 nominated by various authorities).	171

Dr. KUMUD SANKAR RAY: With regard to (*b*) and (*c*), will the Hon'ble Minister in charge be prepared to state whether Government thinks that such an information would be desirable?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, Government have no definite information on this point, but we will certainly try to obtain such information from other provinces.

Dr. KUMUD SANKAR RAY: With regard to (*d*), is the Government aware that recently a medical school in Calcutta was recommended by the University for recognition up to the M.B. Standard, and the matter is pending with Government for a number of years now?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I ask for notice.

Representation of the Legislature on Sub-Committees, Special Committees, etc.

96. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state how many Sub-Committees, Special Committees and Expert Committees have been formed by the Government in which some members of both Houses have been appointed from April, 1937, to 15th August, 1941?

(*b*) What are those Committees and Sub-Committees and when were they formed, and how many of them have submitted their report, and how many have not yet submitted their report?

(*c*) Will the Hon'ble Minister be pleased to state the name or names of the honourable members selected from the Bengal Legislative Council to serve on each and every of such Committees?

(*d*) Is it a fact that one particular member from this House was appointed in several Committees?

(*e*) If so, who is he, and on what ground was he appointed on several such Committees?

(*f*) Do the Government follow any rule or principle in selecting any members from both Houses, or do the Government appoint as they think fit?

(*g*) Do the Government consult the leaders of the different parties in both Houses in the selection of members for a particular Committee? If not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) to (*g*) The information so far as the Home Department is concerned is being collected and

a reply will be given in due course when complete information is available. For the other departmens I would request the honourable member to address his inquiry to the respective Ministers in charge of each department.

97. Rai Bahadur MANMATHA NATH BOSE: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) the percentage of the mortality in cases of malarial attacks in each subdivision of the district in the years 1937 to 1940;

(*b*) whether Palli Mangal Samities have been started in the district of Midnapore; if so, what are the villages in each subdivision in which such Samities have been started; whether these Samities have been able to alleviate the rigour of the disease and in what way?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Nawab Khawaja Habibullah Bahadur, of Dacca): (*a*) A statement showing the percentage of mortality from malaria in each subdivision of the district in the years 1937-40 is laid on the Library table.

(*b*) Yes. A statement showing the names of villages in each subdivision in the district of Midnapore, where Palli Mangal Samities have been started is laid on the Library table.

These Samities were started in 1939, and the morality rate appreciably came down in all the subdivisions in 1940. By clearances of jungles on lands, by clearance of weeds and other acquatic plants from insanitary *dobas* and tanks, by kerosinization of such insanitary tanks and *dobas*, by free distribution of quinine, and by establishment of rural dispensaries and co-operative health centres, these Samities have been able to alleviate the rigour of the disease.

Rai Bahadur MANMATHA NATH BOSE: Will the Hon'ble Minister be pleased to send me these statements referred to in the answer?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: They have been placed in the Library, and it is for the honourable member to go and take them from there.

98. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state how many Central Co-operative Banks there are in the province and what is their total subscribed and working capital?

(*b*) Do any of these pay dividend to the shareholders? If so, how much? What is the average rate of dividend?

(*c*) For how many years has Comilla Central Co-operative Bank ceased to pay any dividend to its shareholders, preference as well as ordinary, and like it how many other Central Co-operative Banks have so ceased to pay any dividend?

(*d*) What steps do Government propose to take to restore the confidence of the public upon those Central Banks and to draw private capital to them?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick):

(*a*) Central Banks 121

	Rs.
Total subscribed capital	92,14,981
Total working capital	5,53,56,882

(*b*) 20 Central Banks paid dividends on shares in 1939-40 varying from 2 to 9$\frac{3}{4}$ per cent. The average rate of dividend paid by them was about 4$\frac{3}{4}$ per cent.

(*c*) No dividend has been declared by the Comilla Central Bank since 1932-33. Eighty-seven other Central Banks have similarly not paid any dividend since that year.

(*d*) Necessary schemes are under examination of Government.

Mr. LALIT CHANDRA DAS: Arising out of (*c*), will the Hon'ble Minister be pleased to state the reason why no dividend was paid by the Comilla Central Co-operative Bank since 1932-33 and 87 other Central Banks? I ask the general reason why the dividend was not paid.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The general reason why they were not able to pay dividend was that they have not been able to realise all their dues from their societies owing to the depression in the country.

Mr. LALIT CHANDRA DAS: Is it a fact that the Board of Directors of the Comilla Central Bank recommended payment of dividend upon their accounts of several years, but then the Registrar stood in the way?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I must ask for notice.

Khan Bahadur ATAUR RAHMAN: Are all these 87 banks which are not paying dividends in a position to pay any interest of the deposits or to pay back the principal—the deposit?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I would ask the honourable member to refer to my answer (*d*) where I have said that to put these banks in the proper order we have some definite schemes under our consideration. When the consideration of these schemes will be over, they will be able to meet the situation.

Mr. LALIT CHANDRA DAS: Arising out of (*d*), will the Hon'ble Minister please see that after the Directors have ordered the payment of dividends, the Registrar does not unnecessarily stand in the way?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am afraid, there is some amount of misapprehension. It is not the duty of the Registrar to stand in the way. It will depend upon the actual amount of transaction.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether it is not a fact that much of the public confidence on the banks depends upon the payment of dividends?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I should rather think it depends upon the proper working of the Central Banks.

Mr. LALIT CHANDRA DAS: Not upon the payment of dividends?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That also is a part of the proper working.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please see that after the Board has declared dividends to the shareholders the Government or the Registrar does not stand in the way?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am afraid, again I have to remind the honourable member that there have been cases in which the dividends were paid out of the capital and not out of the interests realised. So, the Registrar's duty was to see that such things do not take place.

Action on Resolution.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, in accordance with the provision of sub-rule (2) of rule 95 of the Bengal Legislative Council Procedure Rules, I have the honour to place for the information of the Council the following statement regarding action taken by Government on the resolution regarding the purchase of locally-manufactured articles by Government:—

This resolution was passed by the Council on the 21st March, 1941. The question as to how a liberal policy in encouraging the development of home industries may be followed by Government was examined in consultation with all the departments of Government. Necessary action will be taken as soon as a decision is reached in the matter.

NON-OFFICIAL BILLS.

The Bengal Patni Taluks Regulation (Amendment) Bill, 1941.

(As passed by the Council and as passed with amendment by the Assembly.)

Khan Sahib ABDUL HAMID CHOWDHURY: Sir, I beg to move that the amendment made by the Assembly to the Bengal Patni Taluks Regulation (Amendment) Bill, 1941, as passed by the Council, be taken into consideration.

Sir, this is a very small Bill containing practically only one clause. This Bill seeks to do away with the liability of *patnidars* to pay interest on arrear rent at a rate more than 6¼ per cent. per annum. It also lays down that the interest on arrear rent will not accrue before the expiration of the quarter in which the rent falls due. Sir, this Bill was passed by this House on the 23rd August, 1940, but was passed by the other House on the 28th February, 1941. When a very short amendment has been made, viz., a change of year of the Bill from year 1940 to 1941. They have made two corrections in two places—in the Title and in the Preamble of the Bill—but in clause 1 through an oversight the figure 1940 still remains. I find that two notices of amendment on this point have been tabled, but I think that if the

correction is made through the regular procedure, then there will be great delay in the Bill being finally passed. So, I request the honourable members of the House who have tabled such amendments not to press them. I also ask for a ruling from the Chair as to whether this correction cannot be made by the Council Secretary, treating it as a mere formal and consequential amendment. With these few words, I recommend the Bill to the acceptance of the House as amended by the other House.

Mr. PRESIDENT: The question before the House is: that the Bengal Patni Taluks Regulation (Amendment) Bill, 1941, as amended by the Assembly, be taken into consideration.

(The question was agreed to.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I have your ruling on the point raised by Khan Sahib Abdul Hamid Chowdhury towards the end of his speech, so that I might decide whether to move my amendment or not?

Mr. PRESIDENT: Under section 68 of the Rules of Procedure of this House, formal consequential amendments may be made by the Secretary, and therefore, it is not necessary to formally move any amendment like that. That is my ruling.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: In view of your ruling, Sir, I do not think it necessary to move my amendment.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, may I make one submission? Rule 68 deals with Bills which have been passed for the first time in this House and rule 71 deals with Bills which are passed by the Council and returned by the Assembly with amendments. I am merely asking, Sir, whether this matter comes under section 68 or section 71.

Mr. PRESIDENT: The principle of rule 68 will apply in this case also. The Bill was actually passed in this House in 1940 after which it went to the Assembly which returned it with only one amendment in February of this year. If this change from the year 1940 to 1941 is made in the ordinary course on the floor of the House, it will have to go back to the Assembly and the final passing will be delayed. The Secretary to the Council is quite competent to make this correction.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, may I move my amendment formally—and then I shall withdraw—simply to point out the sad state of affairs?

Mr. PRESIDENT: All right.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in clause 2 of the Bill, in the proposed clause fourth of section 3, for the figure "1940" in line 6, the figure "1941" be substituted.

Sir, I admit that it is not strictly necessary for this House to make this amendment. But the House has a right to make this amendment. I do not wish to carry this to its logical or cynical conclusion; but I submit that in another place—I do not blame the members of the Assembly—but in the Assembly some changes were made in the title of the Bill and in clause 1, that is, from "1940" to "1941." This is a one page Bill and the gentleman who suggested these changes should have looked a few lines below; if he did, he would have found that there was the figure "1940" staring him in the face. Things would have been better if he had done so and changed the figure "1940" to "1941" in clause 3 also. The gentleman concerned looked at the top of the Bill but not at the bottom, and this was responsible for the anomaly. This is how mistakes creep in in many cases in the Legislature and, at the risk of being described as a purveyor of cheap jibes in this House, I take courage and move the amendment. May I ask as to who is responsible for this and why the departments concerned have allowed this? I would certainly withdraw my amendment, but my purpose is to draw the attention of the House to these glaring mistakes. We are paid here not to look to these details. But in spite of this we have got to do all these things. With these few words, I move my amendment but as I have stated, Sir, I crave leave of the House to withdraw it.

Mr. PRESIDENT: Is it the pleasure of the House to grant leave to Khan Bahadur Naziruddin to withdraw his amendment?

(The amendment was then, by leave of the House, withdrawn.)

Mr. PRESIDENT: The question before the House is: that the amendments to the Bengal Patni Taluks Regulation (Amendment) Bill, 1939, as made by the Assembly, be agreed to.

(The motion was agreed to.)

The Bengal Local Self-Government (Amendment) Bill, 1941.

Khan Bahadur ATAUR RAHMAN: I beg to move that the Bengal Local Self-Government (Amendment) Bill, 1941, as reported by the Selected Committee, be taken into consideration.

Sir, this is very simple Bill which seeks to make a slight alteration in the existing Local Self-Government Act. It should have been

amended some years back. I have already explained the reason why I have brought forward this amending Bill. I hope the Bill will be taken into consideration. With these words, I commend my motion to the acceptance of the House.

Mr. PRESIDENT: Motion moved: that the Bengal Local Self-Government (Amendment) Bill, 1941, as reported by the Select Committee, be taken into consideration.

The question before the House is: that the Bengal Local Self-Government (Amendment) Bill, 1941, as reported by the Select Committee, be taken into consideration.

(The motion was agreed to.)

Clause 1.

Mr. PRESIDENT: Clause 1 stand part of the Bill.

The question before the House is that clause 1 stand part of the Bill.

(The motion was greed to.)

Clause 3 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in clause 3 of the Bill, sub-clause (*b*) be omitted.

Sir, the Act, which this Bill seeks to amend, enabled the Government to abolish Local Boards only "with the consent of the District Boards." This has a history behind it. There was a conference of the Chairmen of District Boards some time ago; and they were asked to consider the question of the abolition of Local Boards. After some amount of wrangling, this power to abolish Local Boards was given to the Local Government, subject to the "consent of the District Boards concerned." As a result, Sir, all the District Boards, except seven or eight, gave their consent and the Local Boards of those districts have been abolished. But these seven or eight have refused to commit political suicide; in fact, they have consistently refused to give their consent to abolish their Local Boards.

Now the object of the Bill is to take away the consent of the District Board as a condition precedent to the exercise of the power of the Provincial Government to abolish Local Boards. Now, these seven or eight District Boards, who are still sticking on, have tremendous advantages to gain by the existing state of affairs. First of all, there is a direct election of members from the constituencies to the Local Boards; then there are the nominations to the Local Boards and then, from these Local Boards, members are again elected to the

District Board. After another nomination here, the executives are elected. So, there are two elections interposing between the primary constituency and the election of the executives. This, however, works at a great disadvantage to popular representatives and at a considerable advantage to men who would like to perpetuate a family raj. I shall take a hypothetical example. Suppose, there are four subdivisions in a district and there are four Local Boards. I shall further assume that in each of these subdivisions, 16 members are elected and 8 nominated. Suppose one leader has a strength of 5 elected members and his opponent has 11. This man with 11 will have a clear elected majority; but, by a process of adulteration, which is commonly known as "nomination," the man with 5 elected votes adds these 8 nominated votes to his 5, and secures a clear majority of 13. Then, in electing members to the District Board, there is no proportionate representation; but this artificial majority elects members—all of their choice. So, a hopeless elected minority, by this process of adulteration, so to say, is converted into a dictatorial majority; and this artificial majority absolutely sweeps away the elected majority and elects members—entirely of their own choice. Then, Sir, with this so-called majority, secured from the different subdivisions, the District Board is constituted; and here, again, to guard against mishaps in any of the Local Boards, there is a further process of adulteration by the addition of 8 more nominated members to the District Boards. So, by double adulteration, the elected element is entirely swept away. In this manner, there are certain people who cannot otherwise face a popular election, but are nevertheless enjoying and perpetuating a family administration. I know, for example, the Chairman of the Burdwan District Board, with whom I am in close personal friendship; I must point out that he is, by this means, enjoying this office for more than a quarter of a century. I believe, one of the greatest patriots of England, Mr. Gladstone, who dominated English politics for half a century, was never allowed to continue to be the Prime Minister for 25 years. In spite of this, this worthy gentleman is still going strong and has established a family *raj*. So, unless this law is changed, there would be no scope for popularly elected people. Sir, with regard to the effect of my amendment, it would be that it will empower the Provincial Government to abolish the existing Local Boards without the consent of the District Boards. The amendment would leave some discretion to the Government which may be called for, temporarily, in a few existing cases. The effect will be that the Government will have the power to abolish the Local Boards at suitable times and I hope Government will exercise the power duly, and for the welfare of the people. With these few words, I move my amendment.

Mr. PRESIDENT: Amendment moved: that in clause 3 of the Bill, sub-clause (*b*) be omitted.

Khan Bahadur M. SHAMSUZZOHA: Sir, in supporting the motion for deletion of sub-clause (*b*) of clause 3, I beg to submit that according to the existing Act it was expected that the District Boards would, in response to the popular demand, abolish the Local Boards. But, Sir, that expectation has been belied. The District Boards, which have not up till now decided to abolish the Local Boards, having become reactionary do not represent the popular opinion at all. Taking advantage of the present situation, they have been perpetuating their hold on the Local Boards of the district and are doing positive harm to the people. When this popular demand came, interested persons connected with these District Boards did and could not see the changes that were brought about in the country with the advent of the Provincial Autonomy. We have got bitter experience and are definitely of opinion that unless these District Boards are compelled by legislation, they won't respond to the popular call. In this connection, I may also submit that some time ago circulars were issued to the members of the Legislature inviting their opinion regarding the desirability or otherwise of retaining nominations. It was, I think, about two years ago that this circular was issued, but it is regrettable that Government have not yet come to any decision on that point. As regards nominations, I am personally of opinion that these nominations should go once for all, because this system really does not reflect the public opinion. In making this selection very often the popular representatives are not supported; on the contrary, some other things are brought to bear on this matter and ultimately the man or men who is or are elected or appointed do not really represent the people's wishes. So, we would urge upon the Government even at this belated stage that in making nominations they should try to justify their existence by selecting and appointing those persons who are really popular representatives in these local bodies, so long as these nominations are not abolished by law.

Mr. HUMAYUN KABIR: Mr. President, Sir, I have great pleasure in supporting the Bill that has been moved and also the particular clause which is under discussion at the moment. I was specially pleased to find from members opposite support with regard to a point on which I have always felt very strongly and which I have tried to press before this House on various occasions, namely, the question of the abolition of nomination. The strong feeling of the Coalition Party in the matter may be judged from the fact that, even though the question we are discussing at the moment is not that of the abolition of nominations but of the Local Boards, yet the members of the Coalition Party could not resist the temptation of taking advantage of this opportunity for giving vent to their dislike of a system which is making self-government a mockery to-day. Sir, I agree with every word uttered by Khan Bahadur Naziruddin Ahmad when he says that a minority can artificially transform itself into a majority on a Local Board and remain in power

through the help of this system of nomination. And the Local Boards have come in particularly handy in this matter for they serve as a sort of buffer which breaks the force of public opinion. In many cases we find that people who have no chance whatever of being returned directly to a District Board come in through their help. Though the people of that locality have no faith in them, still they come in, and do so only because they control and manipulate the small group which constitutes the local caucus. They form a majority on the Local Board at the cost of the very large electroate created as a result of the recent amendments to the Local Self-Government Act.

Another point which it is important to remember in this connection is that a very long period is taken in the constitution of these Local Boards Elections are held on a very restricted franchise, and a long time is allowed to pass before nominations are made to complete the Local Board. Then, the elections to the District Board are held and once more nominations—delayed from day to day—have to be made before the District Board is completed. If the Local Boards were not there, this additional delay in constituting District Boards would not have taken place. In many districts, I know that the abolition of Local Boards has been recommended by the District Boards, but there are some Boards—I believe their number is eight—which have not made such recommendation, presumably because the men in power there know that with the abolition of Local Boards their days of power will also go. They are exercising control over District Boards through the instrumentality of these Local Boards and the sooner they go, the better.

Bill clause 3 provides that Local Boards should be abolished without any reference to District Boards. In cases, where Union Boards have been established throughout a district, Government shall have no option in the matter. If Union Boards have been constituted throughout a district, Local Boards in that district shall automatically go. In areas where Union Boards have not yet been formed throughout a district, Government will have the option of deciding whether to retain Local Boards or not. In such cases also, I submit, Government would be well advised in ordering the abolition of Local Boards as a general rule. That is also, I think, the desire of the Coalition Party; and the Opposition is at one with the members of the Coalition Party in their desire that the Local Boards should go. With regard to areas where Union Boards have already been formed throughout a district, there is absolutely no justificatoan for the further existence of Local Boards. Most of their functions have been transferred to Union Boards and Committees in conformity with the general tendency of the day. More and more power is being given to Union Boards to make them real and active units of self-government in small areas. It is well-known that matters with which self-governing institutions deal

are the matters which concern the people most immediately and unless we can create local enthusiasm in respect of these, the very purpose of these self-governing institutions is defeated. Sir, some time ago I was reading a discussion on the general apathy of the electorate not only in this country but also in other countries. The masses have little interest in large political questions. It is the considered opinion of many theorists in Europe that this general apathy among the public of to-day is the result of over-specialisation in politics. The Legislature deals with abstract forms of legislation in which the ordinary man feels little interest. We can make the average man feel an immediate personal interest in matters which concern him immediately. Should we have a school in a particular area or not, should we sink tube-wells in a particular spot or not, ought we to have a town hall, or not—these are matters in which he is personally interested. If these questions are taken up, there will be immediate response from the persons in that locality. As a matter of fact, the main purposes of the extension of local self-government is to bring back some vitality and reality in public affairs by decentralising administration and bringing the public into contact with problems which affect them immediately. From that point of view, the gradual transfer of power to Union Boards and Committees is very welcome, and it is a matter for which Government deserve congratulations in so far as they have carried it into effect. But unfortunately, in most cases Government have not given effect to their professed ideas. The amount of power which they have promised to transfer to the Union Committees has not been actually transferred. If this Bill is passed, the Government's hands will to some extent be forced and this power which should be exercised by the Union Committees and which naturally and properly should be dealt with——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: On a point of order, Sir. I believe the honourable member is speaking on the amendment of Khan Bahadur Naziruddin Ahmad. But he is neither supporting nor opposing the amendment. He is not speaking on the amendment at all, but is speaking generally on the principles of the Bill.

Mr. HUMAYUN KABIR: Sir, I am speaking on the Bill-clause. When clause 3 of the Bill is before the House, I think I can speak either on the Bill-clause or the amendment.

Mr. PRESIDENT: Yes, Mr. Humayun Kabir can you speak on the Bill-clause as well as the amendment before the House and he is in order.

Mr. HUMAYUN KABIR: I do not know why the Hon'ble Minister is so impatient—in any case I would have finished in another minute. I think, Sir, I have made my position quite clear so far as the Bill-clause

is concerned. We welcome decentralisation, and the Bill-clause encourages it. It is also the official policy—it is the policy of the Government—and that being so, they should accept the Bill of my friend and, in the process, abolish all Local Boards which have become an anachromism and have no right to exist any more.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I am sorry my learned and esteemed friend who has just spoken has not actually touched the point of the amendment. The amendment seeks to do away with the mandatory character which the proviso seeks to provide. The amendment moved by Khan Bahadur Naziruddin Ahmad seeks to omit sub-clause (*b*) of clause (3) which provides that Government will not be bound to abolish Local Boards even though the entire district may be studded with Union Boards. Mr. Humayun Kabir has not touched on that point. We were originally of opinion that the proviso as it is should remain in the Act. But on further consideration, especially in view of the amendment which has been tabled by Khan Bahadur Shamsuzzoha, it clearly showed that if the rule is of a mandatory nature Government will be in a difficult position. For example, in the Nadia district the Local Boards' elections have been finished. The only thing that remained is that the District Board has not been constituted pending Government nomination. At this stage if the Local Boards are abolished and fresh District Board election is held, it will mean great trouble to the people, and in these circumstances it is not desirable that there should be election for the District Board anew. So it has been considered proper to give Government option with regard to the abolition of the Local Boards. The option has been given with a view to enable the Government to abolish the Local Boards without consulting the District Board. Government will be able to abolish the Local Boards whenever they think it necessary to do so, that is the real object of this amending Bill. I think it is necessary to give this option because occasion and circumstances may arise when Government may feel that it would not be better to abolish the Local Boards in a particular district all at once. In the case of Nadia, for example, it will be to the best advantage to delay it for six months. So, I think it is not wise to have a mandatory provision like that. Government should be given power to use their own discretion, provided they give a declaration to the effect that their general policy would be to abolish Local Boards wherever a district is studded with Union Boards. With these words, I support the amendment of my friend Khan Bahadur Naziruddin Ahmad.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, as regards this amendment, I entirely agree with its mover. In fact, I also gave notice of a similar amendment, but because it was put in at a very late stage it did not find a place on the printed list. As regards the merits of this amendment, I have no difference with the mover, but certainly I

do not approve of his method of approach to the subject. I would rather accept the method of approach of the honourable mover of the Bill. Whether a majority is converted into a minority or whether Local Boards are helpful in keeping a particular person or a particular set of Chairmen in office for a long time, for a time longer than is desirable, is not the point at issue. Sir, the real question is whether Local Boards are any longer useful or not. Public opinion in Bengal has been gradually developing in favour of the view that the Local Board is more or less a fifth wheel to the coach and it should be abolished. The function that are now discharged by it can be easily discharged by the Union Boards, so that the Local Boards should be abolished and their places should be taken up by the Union Boards. That is the real issue before the House.

The next point is whether we should accept the Bill with the proviso, namely, take away all discretion of Government in the matter of abolition of Local Boards or whether it is desirable to leave some discretion with Government. That is the question which the House will have to decide. Personally, I feel, Sir, that some discretion should be left with Government. Sir, Government have already accepted the policy that Local Boards should be abolished wherever possible, and I make that declaration on behalf of Government here and now that Government are committed to that policy. If, however, some discretion is left with the Government, I am sure that that discretion will be used with a good deal of caution, and Government will not abuse that discretionary power in favour of retaining Local Boards even where they are unnecessary.

With these words, Sir, I would support the amendment moved by Khan Bahadur Naziruddin Ahmad.

Mr. NUR AHMED: Sir, personally speaking, I oppose this amendment. It is the intention of this Bill to *ipso facto* abolish all Local Boards. Of course, this power is in the Act with some conditions, *i.e.*, the Provincial Government may abolish a Local Board with the consent of the District Board concerned. The main point here is that Government should now abolish all these Local Boards, and the proviso to clause 3 of the Bill says that where there are Union Boards already established, there it shall be obligatory upon the Government to abolish the Local Boards. Sir, there may be thousands of causes for the Government not to exercise its discretionary power in favour of abolishing Local Boards, if this proviso is removed from the amending Bill. Sir, various conditions and circumstances, which cannot be envisaged now but which may crop up later, may induce the Government to abolish the Local Boards in certain areas. In that case, I mean in the absence of the proviso, the wide power will lie with the Government and it will not be obligatory upon the Government to abolish certain Local Boards. Where such extensive power has been given to

Government, especially when the Government is a responsible Government, those persons who are interested in not abolishing certain Local Boards may exert their influence with the Government not to abolish them and thus there is the apprehension that the very purpose for which this amending Bill has been designed may be frustrated. So, from that point of view I cannot agree, with all respect to my friend, and I cannot support his amendment. Of course, it is my individual opinion. With these words, Sir, I oppose the amendment.

Mr. PRESIDENT: The question before the House is: that in clause 3 of the Bill, sub-clause (*b*) be omitted.

A division being challenged, the House was divided with the following result:—

AYES—19.

Ahmad, Khan Bahadur Naziruddin.	Khan, Khan Bahadur Muhammad Asaf.
Ahmed, Mr. Meshahuddin.	Lamb, Sir T.
Aziz, Khan Sahib Abdul.	Molla, Khan Sahib Sahidali.
Barua, Mr. Dhirendra Lal.	Quasem, Maulvi Abul.
Chowdhury, Khan Sahib Abdul Hamid.	Ray, Mr. Nagendra Narayan.
Chowdhury, Mr. Hamidul Huq.	Roy, Rai Bahadur Radhica Bhusan.
Chowdhury, Mr. Humayun Reza.	Scott-Kerr, Mr. W. F.
Cohan, Mr. D. J.	Shamsuzzoha, Khan Bahadur M.
Hossain, Khan Bahadur Saiyed Muazzamuddin.	Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Karim, Khan Bahadur M. Abdul.	

NOES—8.

Das, Mr. Lalit Chandra.	Rahman, Khan Bahadur Mukhlesur.
Kabir, Mr. Humayun.	Roy, Mr. Amulyadhone.
Mookerjee, Mr. Naresh Nath.	Sanyal, Mr. Sachindra Narayan.
Pal Choudhury, Mr. Rasajit.	Sen, Rai Sahib Jatindra Mohan.

Mr. PRESIDENT: Order, order. The House has divided. For the amendment—19; against the amendment—8. The amendment is therefore negatived.

The question before the House is: that clause 3, as amended, stand part of the Bill.

(The motion was agreed to.)

Title and Preamble.

Mr. PRESIDENT: The question before the House is: that the Title and the Preamble be added to the Bill.

(The motion was agreed to.)

Khan Bahadur ATAUR RAHMAN: I beg to move: that the Bengal Local Self-Government (Amendment) Bill, 1941, as settled in the Council, be passed.

Mr. HUMAYUN KABIR: Sir, I wanted to congratulate my honourable friend on the Bill which he had brought before the House and which he had piloted through the Select Committee. But, Sir, I regret that as a result of what has happened just now my congratulation cannot be as unqualified as it would otherwise have been. We have just witnessed a peculiar spectacle—the spectacle of a father killing his own child. The honourable mover has really destroyed his own Bill, and it surprises me the more in view of the Report of the Select Committee. I find from the Report of the Select Committee—I will not refer to its proceedings and divulge what happened there—I find from the Report of the Select Committee which is public property that there has not been appended a single note of dissent to the Bill as it emerged from the Select Committee. The Hon'ble Minister in charge of the Local Self-Government Department is a signatory to this Report and therefore without divulging anything that happened elsewhere, it is permissible to say that the Bill as presented in the Report of the Select Committee represents an agreement between all sections of the House. I do not think that there has been any other Bill which has had such unanimous support: a Select Committee's Report without a single minute of dissent on any single point in the Bill. And yet we find that after the Bill comes here, the main purpose of the Bill is defeated. Sir, even before this Bill was brought in, Government could abolish Local Boards. My honourable friend knows, and perhaps knows better than I do, that Government could abolish Local Boards if the District Boards recommended their abolition. My honourable friend also knows better than I do, that in many cases Government are unable to exercise the power which they have of doing so because of pressure,—political and otherwise,—which is brought to bear upon them. That was why he brought this Bill—to compel Government to abolish Local Boards heedless of pressure of party or individual. When I read the first draft of the Bill and when I saw the Report of the Select Committee, it was my impression that the main purpose of the Bill was to restrict the field of discretion of Government. The Government, being constituted as it is to-day, is often unable to do what it wants. In many cases, important members of the Government have themselves admitted that they are helpless against the pressure of their party. Only a few days ago, the head of the present Government admitted that he was helpless. Although he knew that he was not doing the right thing, still he said he was helpless and could not do what he thought he should do. After that confession by the present members of the Government, how can Government come forward to-day and say: give us some discretion? They have on their own admission proved themselves unfit to have any discretionary power. According to their own admission, they have to do things which they know is against the best interest of the country. They agreed at the Select Committee that the Local Boards are very largely unused and they should be abolished, and after making that

statement and after making the position quite clear, if they now resile, is this not a case of Government going back upon their own position? Sir, a private member has a right to change his opinion, but a Government has not the same right to change its opinion. If the Government change its opinion in this way after committing itself in a printed record in the Select Committee where there was perfect unanimity, after committing itself in this way if Government resile, what faith can the people have on such Government? I know, Sir, that my honourable friends opposite have a large majority. I know from the result of the voting on the amendment which was forced to a division that Government can persuade their followers to act in any way they choose. It is a sorry spectacle when members move amendments and still abstain from exercising their votes for considerations which we on this side of the House cannot understand. We know that the Government have a large majority and, therefore, they can pass whatever measures they like. But Government stand self-condemned to-day by what they have done. If, after confessing that this is a right measure they, against their own conviction and against what they think the best interests of the country, want to exercise a discretionary power, I leave the public to draw their own conclusion as to the fitness or otherwise of such Government. Sir, the original Bill which would have been a very good Bill and in some ways one of the important measures which this House has ever considered, has been stultified by Government's failure at the last moment. As I have already said, although I congratulate the honourable mover of the Bill, that congratulation cannot now be an unqualified congratulation.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support the motion and, in doing so, I have to refer to some of the remarks made by my honourable friend Professor Humayun Kabir. I think, Sir, my honourable friend was academically right when he said that the Bill, as passed by the Select Committee, should have been passed; but he is not right in saying that the Hon'ble Minister has imposed any conditions on the Party. Certain things have occurred—and have come to light—after the Report of the Select Committee. Certain individual cases have been brought to light for which it is necessary to retain the Local Boards for a few months. It was found that if this Bill is passed in the form in which it emerged from the Select Committee, it would involve the abolition of all the Local Boards at once. Now, Sir, as I have said, there are certain Local Boards which ought to be temporarily retained—the Boards which await nominations and elections of members of the District Board; and if no discretionary power is given to the Government, these Local Boards, which ought to function till the District Board elections, would at once be abolished. That would mean the vexations of a fresh election. In these circumstances, some

elastic power ought to be given. It was, therefore, at the request of our Party, that the Hon'ble Minister has agreed to this amendment. I think it is clear that all members, on this side of the House, as well as those on the other side as well as the Government, are finally committed to the policy of abolition of Local Boards altogether—as to that we are thoroughly satisfied. It was on a consideration of the points, I mentioned a moment ago, that the amendment was suggested and accepted. There is no inconsistency on our part in this. After all, we are legislating for seven individual cases; and, in one or two, this discretion has become necessary—to prevent the turmoil of a fresh general election, quickly following on the footsteps of the ones they already had. We cannot be impelled by a fatal consistency to injure the cause of the people for whom the Bill is designed. We cannot allow this fatal consistency to outweigh situations which have come to our notice.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I have listened with great interest to the oration of Professor Humayun Kabir. He said that Government stood self-condemned to-day and there was no consistency between their profession and their action. I join issue with him. My friend is a philosopher and deals with abstract theory. But our Government is a practical Government and deals with facts. I do repeat that Government are committed to the principle of the abolition of Local Boards where Union Boards have been established, and Government have fully realised the fact that public opinion in Bengal is to-day in favour of the abolition of all Local Boards because they are considered as the fifth wheel to the coach. But there may be cases where abolition of Local Boards will not be conducive to the better administration of local self-government in a district, and there may be one or two cases in the province where Local Boards do discharge the functions which the District Board should ordinarily discharge. Because of the want of facilities of communication or for some other reason, a District Board had to delegate its powers to a Local Board. Now, there is another difficulty, that might arise if the Bill be passed by the House as it is, and that is pointed out in the amendment that has been tabled by my honourable friend Khan Bahadur Shamsuzzoha. That amendment clearly proves that this Bill which seeks to take away all discretion of Government in the matter might be creating a deadlock with regard to those District Boards to which the Local Boards had already elected their delegates, and it only remains for Government to appoint members on the District Boards and thus to complete the reconstitution of the District Boards. Now if this Bill be passed and assented to as it is, the result would be that the entire constitution of the District Boards would have to be thrown into the melting pot thus deferring the reconstitution of the District Board by several months,

because members will have to seek direct election from the constituencies. Now, to avoid such contingencies, to avoid such difficulties, Government thought that it would be better to have some discretion reserved in them and that is why I support the amendment moved by my friend Khan Bahadur Naziruddin Ahmad. So, Sir, Government is absolutely consistent in their action and in their theory, and practical as they are, they cannot see eye to eye with my friend the philosopher, and in this Government have, as usual, received the support of the Coalition Party. So, they also are fully consistent in their theory and in their action.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, the statement of Sir Bijoy makes us rather apprehensive. He has said that not only in special contingencies the abolition of a Local Board may be deferred and may be delayed by a few weeks or by one or two years, but that there may be instances where it may be necessary not to abolish the Local Boards even for an indefinite period. For example, he has said that where there are difficulties of communication or other difficulties, there it may be necessary to keep on the Local Boards indefinitely, till Doomsday. If that be the position, Sir, it is very unfortunate for us that we should have agreed to this sort of amendment. Sir, we never thought that this sort of excuse will be advanced as sufficient excuse for not abolishing Local Boards in certain areas. Only in special contingencies, for instance, only in such cases like the one which my friend Khan Bahadur Shamsuzzoha by his amendment has indicated, there might be some justification for delaying the abolition of Local Boards for a short period, say six months or a year, but to defer their abolition indefinitely because of the difficulties of communication and other things is not desirable. If that were taken as the ground, then this Bill becomes in fact altogether valueless. I hope, Sir, my honourable friend in charge of the Bill like me expects that the Hon'ble Minister in charge, I mean the Leader of the House, would give us a definite understanding that except for special contingencies Government stands committed to the principle of abolition. But the fact that the communication is bad or that the efficiency of work requires that any Board should be kept on, cannot certainly be treated as a special contingency, as that excuse could be put forward always by any District Board executive only for the sake of continuing their own term of office. Sir, one of the most important reasons why these Local Boards should be abolished is that in the District Board the entire area of the district is not represented. For example, from a subdivision ordinarily 10 or 12 persons come by election. Whereas out of 10 or 12 persons each of whom has a separate jurisdiction from which he is returned only 3, 4 or 5 come to the District Board and the remaining 6 or 7 who represent other areas do not come and those areas remain unrepresented in the District Board altogether. For instance,

Mymensingh has 52 thanas, out of which only 24 thanas are at best represented in the District Board and 28 thanas go unrepresented altogether, and the result is that only 24 thanas get proper looking after from the District Board, the remaining 28 thanas do not get any service which they can justly claim from the District Board. We have now given Government the discretion, by taking away the condition that the District Board should give its consent to the abolition of Local Boards. Now District Board's consent will not be necessary, and this is certainly a decided improvement. But Government should stick to the policy of abolition of all the Local Boards and they should do it in a certain definite way. With these few words, Sir, I support the third reading of this Bill.

Rai Sahib JATINDRA MOHAN SEN: I had no mind to speak on this Bill at the third reading, but on second thought it has occurred to me that I should say a few words on this occasion as well.

I have been very glad to hear the speech of the last speaker, and I entirely endorse the views to which he has given expression. I have also listened to the speech of the Hon'ble Sir Bijoy Prasad Singh Roy, and I am confident that he will act in the spirit in which he has expressed his wishes on the floor of the House to-day. I take it that the Government is committed to the principle of abolition of Local Boards in the very near future. But the Hon'ble Minister has already mentioned that there are certain difficulties in abolishing the Local Boards at once. If the difficulties mentioned by him were the only difficulties, a small amendment of this Act would have been sufficient to abolish all those Local Boards which are in the course of formation and which cannot be abolished at once. But the sort of discretion which is now given to the Government to retain all Local Boards so long as Government will think fit to retain, that sort of discretion, my submission is, is not at all desirable. A short amendment to suit the requirements would have been sufficient. But now, Sir, when a discretion is given and when it is left to the Government to decide as to whether a particular Local Board should be abolished or not, there may arise many circumstances and many interests may also come up for consideration which may take very much longer time for its abolition than the public may consider it necessary to take. So, my considered opinion is that discretion of this sort should not be given by this amendment at this late stage. Sir, my honourable friends have spoken of the baneful effects of the system of nomination. Here I may refer to an answer that the Hon'ble Sir Bijoy Prasad Singh Roy gave to a question of mine. I had asked a question as to whether the majority of the people in the Thakurgaon subdivision were Hindus and whether on the Local Board of that subdivision 6 Hindu members and only 4 Muhammadan members were elected. Although there were 10 elected members thus composed, yet we find that at the time

of nomination 5 members were nominated, of whom as many as 4 were Muslims and only 1 was a Hindu, with the result that the Hindu majority in Thakurgaon Local Board was converted into a Muhammadan majority. And at the time of electing members to the District Board of Dinajpur from this Local Board, not a single Hindu member was elected. Sir, in the answer that Sir Bijoy Prasad Singh Roy gave on the floor of the House, he admitted all this. He admitted that Thakurgaon was a Hindu-majority subdivision and that as a matter of fact the Local Board of Thakurgaon became a Board with a Muhammadan majority although there was a majority of elected Hindu members on it. This system of nomination did a lot of harm to this subdivision. Further, in that answer the Hon'ble Minister pointed out that in making nominations Government were of opinion that those persons only who would benefit the District Board should be nominated, as if it was only the Muhammadans who could benefit the District Board of Dinajpur and as if there was not a single Hindu in the Thakurgaon subdivision who could benefit the District Board. The result accordingly has been what we see reflected in the constitution of the District Boards. It is this system of nomination which is still going on for the maintenance of vested interest which has done this colossal harm to the interests of the Hindus. And it is solicitude for this vested interest that may determine the attitude of Government in not abolishing the Local Boards. In this view, Sir, I am strongly of opinion that this amending Bill should not be accepted.

Mr. PRESIDENT: The question before the House is: that the Bengal Local Self-Government (Amendment) Bill, 1941, as settled in the Council, be passed.

(The question was agreed to.)

The Bengal Hindu Women's Rights to Agricultural Land Bill, 1941.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that the Bengal Hindu Women's Rights to Agricultural Land Bill, 1941, be taken into consideration.

Sir, it is well known that, in the year 1937, an Act, commonly known as the Deshmukh Act, was passed by the Central Legislature according to which certain rights over property were given to Hindu women. In the year 1938, at the instance of the Hon'ble Sir N. N. Sarkar, the then Law Member of the Government of India, an amendment was made by which the Hindu women's property was confined to certain widows. In the year 1939, Mr. Akhil Chandra Datta brought in a Bill in the Central Assembly, to include within this category Hindu

daughters also. That Bill was considered by the Central Assembly on the 28th November, 1940, and it was clear that there was indeed some sympathy for the daughters from all sides. But Sir Reginald Maxwell, the Home Member, showed that the drafting of the Bill relating to this clause was extremely faulty and that he had examined the Bill himself and tried to rewrite the clause and had produced a Bill consisting of six clauses and many sub-clauses, and yet he was not satisfied that the drafting was satisfactory. He felt that the subject was complicated and required further investigation. So, he gave an assurance to the members on the floor of the House that this question of the rights of daughters would be enquired into by an Expert Committee. On being asked as to the scope of the Committee, Sir Reginald Maxwell agreed that the scope of enquiry might be extended to cover other branches of the Hindu law, if suitable and qualified Hindu lawyers were available to serve on the Committee, and this was considered by the members to be satisfactory. Now, Sir, as a result of this, the Rau Committee has been brought into existence and this Committee is continuing its labours. (Mr. HUMAYUN KABIR: Have they reported?) Not yet. The matter is still under investigation.

But certain other and more serious difficulties had arisen in connection with the Act in question. The Viceroy had certain doubts as to whether the Central Legislature, which passed these two Acts, had jurisdiction to legislate upon "agricultural land" in the Governors' Provinces. It is now well-known that the "agricultural land", under the Constitution Act of 1935, is a provincial subject. So, on this simple ground, the Federal Court had no difficulty in holding that the Central Legislature had no jurisdiction over agricultural land in the Governors' Provinces; and the Act was valid only with regard to non-agricultural land. The Act, therefore, validly provides only for non-agricultural land so far as these widows are concerned, and there is no valid law governing them as regards agricultural lands. A hiatus has, therefore, been created in the law. There are also practical difficulties. Many Hindu widows have let out their lands to tenants. Many suits for partition have already been instituted under the Act, and are still pending. The removal of agricultural lands from the operation of the Act has created an *impasse;* and it is to remove this *impasse* that the present Bill has been introduced. The Bill has been designed not to improve or alter the law but to restore the law to the condition which was in existence before the decision of the Federal Court.

Two amendments have been tabled—which it will be necessary at this stage to consider—namely, to include the right of daughters in the Bill. These two amendments are the same and should be taken together. With regard to the subject-matter of these two amendments, the Rau Committee is now actually inquiring or considering as

to what should be done with regard to the Hindu daughters. But they have not yet completed their labours. Meanwhile, the Rau Committee has expressly recommended that a Bill, on lines of the Central Act—Act XVIII of 1937—should be immediately passed in the Governors' Provinces pending consideration of the case of daughters and also other matters relating to succession. With your permission, Sir, I shall read an extract from a message from Simla, dated the 5th August last, which appeared in the newspapers. It is to this effect:—

"It is recalled that besides suggesting modification of Hindu Law beginning with the law of succession, the Rau Committee in their report, recently published, recommended that the Governors' Provinces should be pursuaded to enact legislation for agricultural land on the lines of the 'Deshmukh Act' with retrospective effect."

This is exactly what the Bill attempts to do. It will remove the deadlock at once and leave the case of daughters absolutely unfettered, as it can be dealt with on receipt of recommendations of the Rau Committee. But our attitude with regard to this Bill is that, as our Party is predominated by Muslim members, I do not feel competent—however right we may be in passing such Bills for the benefit of Hindu widows—to undertake legislation, on a matter of Hindu Law, without the concurrence of our Hindu colleagues and the Hindu public generally. In these circumstances, we will await the views of the members on the other side and—if there is any desire that the Bill should not be immediately passed but that it should be circulated for eliciting public opinion—I have not the least desire to oppose the idea, because that should be the policy we should follow in a matter affecting the Hindus alone. The object of the Bill is, as I have said, to restore to the widows the position which they occupied under the Act before the Federal Court judgment. But, if my Hindu friends desire that it should be circulated, we have not the least objection. Sir, I take particular pleasure and pride in being the pioneer in attempting to improve the Hindu Law in the Council—being a Muhammadan myself—and I should welcome the day when my friend Mr. Lalit Chandra Das would introduce a Bill to improve the Muhammadan Law. I think, Sir, this is how we should approach each other. (Mr. NARESH NATH MOOKERJEE: Including joint electorate.) Yes, joint electorate may be the order of the future; but, before that, let us get rid of the mutual suspicions which are existing in our minds—in the minds which are of lesser calibres—but a day will come when we shall see that ideal fulfilled, and I hope and believe that my attempt to retouch Hindu Law will be a beginning towards that end. With these few words, Sir, I submit that the first reading be passed, unless my honourable friends express their desire that it should be circulated.

Mr. PRESIDENT: Motion moved: that the Bengal Hindu Women's Rights to Agricultural Land Bill, 1941, be taken into consideration.

Mr. LALIT CHANDRA DAS: On a point of order, Sir. There is an amendment standing in my name that the Bill be circulated for the purpose of eliciting opinion and I think, Sir, my amendment should come immediately after this, that is to say, Sir, before the question of reference to Select Committee comes in.

Mr. PRESIDENT: Yes, I know and at the time of voting I shall put the circulation motion first; but let the amendments be moved in the order in which they are printed. That is what is laid down under rule 53(2) of our rules. Rai Bahadur Manmatha Nath Bose.

Rai Bahadur MANMATHA NATH BOSE: I do not move the amendment for reference of this Bill to a Select Committee, which stands in my name, Sir.

Mr. PRESIDENT: Raja Bahadur Bhupendra Narayan Sinha.

Raja Bahadur BHUPENDRA NARAYAN SINHA: Sir, it is the usual practice of this House that the motion for eliciting opinion comes first. If that motion——

Mr. PRESIDENT: I have already ruled that at the time of voting, the circulation motion will be put to the House first. But the Select Committee motion will be moved earlier than the circulation motion.

Raja Bahadur BHUPENDRA NARAYAN SINHA: Sir, I do not move the motion which stands in my name.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, I beg to move that the Bill (the Bengal Hindu Women's Rights to Agricultural Land Bill, 1941) be circulated for the purpose of eliciting opinion thereon by the 31st December, 1942. Sir, with your permission, I beg to make a verbal alteration and that is this. It should be, Sir, 31st December, 1941, and not 31st December, 1942.

Mr. PRESIDENT: Yes, you can move it in the altered form.

Mr. LALIT CHANDRA DAS: Sir, I beg to move: that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1941.

Sir, my task with respect to this motion has been made very light by my friend Khan Bahadur Naziruddin Ahmad. Sir, he has admitted and agreed that if we so desire, the Bill may be circulated for the purpose of eliciting public opinion thereon, and we so desire it, Sir. The zeal of my friend Khan Bahadur Naziruddin Ahmad to bring in this legislation is indeed praiseworthy. He did not allow grass to grow underneath his feet, and as soon as he saw the ruling of the Federal Court to the effect that there is some defect in the law that was passed, *i.e.*, in Act No. XVIII of 1937 as amended by Act XI of 1938, he has come forward with this Bill. I do not say he was in any way wrong. At this stage, I do not like to pass any opinion with respect to the provisions therein, but it would appear, Sir, that even at this stage amendments have been put forward by some of my friends on this side of the House in which it has been suggested that the daughters should also share with the widows of the deceased son. That also raises a legal question. Another question that also arises in this connection is with respect to the definition of "agricultural lands." So far as the Act passed by the Central Legislature is concerned, it certainly applies to non-agricultural lands and therefore, Sir, it applies to all lands owned by the deceased in towns and in municipalities. But it is a question, Sir, whether that law does not also apply to the homestead lands of the deceased person, to the tanks and the banks thereof or even to the outhouses. According to the definition that is now sought to be made out by my friend, as given in the Statement of Objects and Reasons, it would appear, Sir, that the homestead lands of agriculturists, outhouses, cowsheds, places for storing agricultural produce, manure pits, irrigation tanks and similar other properties are also agricultural lands. These are all, Sir, disputed points. It may very well be that the Central Act applies not only to agricultural lands within cities and within municipal towns but also to homestead lands, tanks and banks and the outhouses. Of course, as the rule stands, the Act now applies to agricultural land. In that event also, the widows would get the right of maintenance, which cannot be taken away. In any view it has raised a question which ought to be brought prominently before the Hindu community. Sir, this Bill should be widely circulated among the Hindu community allowing them time to consider the whole question from all standpoints, and then after hearing the expression of opinion from them the Bill may be proceeded with.

There is another point. Sir, the Rau Committee has been appointed with a view to consider this question in a very comprehensive way for the purpose of not only giving right to the widowed daughters-in-law but also to the widowed daughters. It would be wise also to see what the Rau Committee does. With these few words, Sir, I move that the Bill be circulated.

Mr. PRESIDENT: Amendment moved: that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1941.

Mr. DHIRENDRA LAL BARUA: Sir, I rise to support this motion. The present Bill is an offshoot of the Hindu Women's Rights to Property Acts of 1937-1938 and the Bill of Mr. A. C. Datta of 1940.

The object of the Act of 1937 of Mr. Desmukha was to give better rights to women; under this Act the rights of women were actually improved for son's widow and daughter and widow of the intestate were to inherit equally with son, *vide* section 315, page 935, and section 317, page 938, of Gour's Hindu Code, Fourth Edition; but the Act of 1938 of Sir N. N. Sarcer by replacing the words "Lineal descendants" by the word "son" excluded the daughter.

To remedy this defect, Mr. A. C. Datta introduced the Bill of 1940, the object and reasons whereof are to give to a daughter that right of inheritance to which she is entitled under the text of Yajnavalka, Vishnu and other exponents of Hindu Law and to which she is entitled under equity and justice. By this Bill Mr. Datta proposed to give equal rights to son's widows and daughters in the absence of son and widow.

At the time of discussion of Mr. Datta's Bill in November last, a Committee of expert Hindu lawyers was proposed to be appointed by the Home Member to redraft the Bill of Mr. Datta, as the drafting was not very happy. In pursuance of the assurance, the Government appointed the Rau Committee. The Rau Committee entertaining doubts as to whether agricultural land was a Federal or a Provincial subject referred the matter to the Federal Court. The Federal Court held that agricultural land was a Provincial subject and recommended that Provincial Legislatures should take up the matter. But this does not mean that the Bill should be rushed through and passed in a month. This Council should wait till the report of the Rau Committee is placed before the members of the Council and Assembly, and as it is a social legislation the public should also have an opportunity to express their opinion on the Bill, as it is a Bill injuriously affecting the rights of Hindu daughters. It would be most unfair if an attempt is made to rush up the Bill.

There is a misapprehension in the minds of some persons that the aim of the Bill of Mr. Datta was to create divisions in property by giving equal shares to son and daughter. But the object actually is to give the daughter an equal share with the widowed daughter-in-law in the absence of son and widow. It is not an innovation. It is an attempt to give to the daughter a portion of the right which she enjoyed from time immemorial till 1938.

I state the position of daughter from ancient time up to date, in he order of succession under Hindu Law:—

(*a*) From ancient time till 1937—(1) son, (2) grandson, (3) great-grandson, (4) widow, and (5) daughter, but the son's widow had no place in the order of succession.

(*b*) After the Act of 1937 widow was to inherit along with son, daughter and son's widow. The widow was to inherit along with lineal descendants which means issues born out of lawful wedlock.

(*c*) After the Act of 1938 the widow was to inherit along with son and son's widow. Daughter has no place in the Act.

The members of the Council are to consider what justification there is to deprive the daughter of the right which she had been enjoying from ancient times, for the daughter's right is based on (*a*) Pinda theory according to Daybhag and Propinquity according to Mitakhshara; (*b*) natural affection. Human instinct and affection prompt a person to benefit the son and daughter equally or at least to benefit the daughter next to son. If a person is the owner of property and if the daughter is married to a poor family, a father does not desire to see his son living in plenty while his daughter is weeping in poverty; (*c*) the laws of all civilised nations of the world, such as English Law, Muhammadan Law and Burmese Law, give to daughter a share of the property; (*d*) the exponents of Hindu Law, for example Manu, Narada, Brihaspati, Yajnavalka, Katyayan, Vishnu and others unanimously held that daughter should inherit her father's estate in the absence of the son.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I must congratulate my honourable friend Khan Bahadur Naziruddin Ahmad for his legislative zeal and for his vigilance in bringing this measure before the House. Sir, this is a question which is by no means free from difficulty. In fact, this Bill is complementary to the Act which was passed by the Central Legislature and the Bill seeks to remove a hiatus brought about in the Central Act by the judgment of the Federal Court. The report of the Rau Committee is not yet out, and Government, too, have had no opportunity of considering the question in detail. They would like to consult public opinion before committing themselves to a proposal like this. I, therefore, welcome the amendment moved by Mr. Lalit Chandra Das that the Bill should be circulated for the purpose of eliciting public opinion by the end of the current year. If necessary, after receiving the opinion, Government may introduce a Bill themselves even before the report of the Rau Committee is out.

Rai Bahadur RADHICA BHUSAN ROY: Sir, I have an identical motion to that of my friend Mr. Lalit Chandra Das. I do not move it, but I content myself with only supporting the amendment moved by him.

Mr. HUMAYUN KABIR: Sir, I also, like my honourable friend the Leader of the House, congratulate the mover of this Bill for what the Leader of the House has described as legislative zeal and vigilance. But at the same time, Sir, I cannot help saying that it is my conviction that in the very difficult times in which we are living to-day, it is more desirable that a Bill of this type should come either from the Government or from a member of the Hindu public. I do not for a moment doubt that my friend the Khan Bahadur has been inspired by the loftiest of motives in moving this Bill and the Bill—so far as I have examined it cursorily—I do not pretend to be an expert on Hindu Law and I have not also given the Bill the amount of time it deserves—the Bill seems on the face of it to be right and opportune. But, at the same time, in spite of its fairness and even though it attempts to do justice to a section of the Hindu community whom the exigencies of development in social law have deprived of their rights, I still believe that in the very uncertain circumstances in which we are living to-day, it is more proper that a Bill of this type should come from a member of the Hindu public. I believe honourable members of this House will bear with me when I say that to the best of my ability I have tried to resist communal frenzy from whichever side it has come. I have opposed it whether it has come from the side of the Hindus or from my own community. It is, therefore, with the greatest sincerity and a great sense of responsibility that I say that in the present atmosphere, when our doings and sayings are so liable to be misunderstood, and when a very little incident so often gives rise to excitement and passion, this kind of legislation should be undertaken by a member of the community which is affected by it. Sir, a time may come, and I shall welcome it when it comes, when, just as my honourable friend Khan Bahadur Naziruddin Ahmad is now introducing a Bill on Hindu Law, a similar Bill affecting the social lives of Mussalmans will be introduced by my friend Mr. Lalit Chandra Das. But, Sir, unfortunately we do not live in that time as yet——

Mr. PRESIDENT: The honourable member seems to be under a misapprehension. The Bill of Khan Bahadur Naziruddin Ahmad does not contemplate prescribing any new order of inheritance among the Hindus. Owing to some doubts as to the validity of the Act passed by the Central Legislature, the Viceroy, under section 213 of the Constitution Act, referred the matter to the Federal Court for its opinion. They reported that a portion of the law dealing with agricultural lands

was *ultra vires* of the Federal Legislature. It is with the purpose of bringing in agricultural lands to the same category as other lands in matters of inheritance that the proposed legislation has been brought forward.

Mr. HUMAYUN KABIR: Yes, Sir, I quite realise that this Bill has been brought forward in order to fill up some lacuna caused by the decision of the Federal Court. But, Sir, considering the present feeling in the country, when even most innocent acts are misinterpreted and misrepresented, it is better that the Bill should have been brought forward by a member of the Hindu community. Since the Bill is going to be circulated and as the Hon'ble Leader of the House says that it may come as a Government Bill, I have nothing further to add and will end by congratulating again the honourable mover of the Bill for his good intention.

Mr. PRESIDENT: The question before the House is: that the Bengal Hindu Women's Rights to Agricultural Land Bill, 1941, be circulated for the purpose of eliciting opinion thereon by the 31st December, 1941.

(The motion was agreed to.)

Prorogation.

Mr. PRESIDENT: I have it in command from His Excellency the Governor that the Bengal Legislative Council do now stand prorogued.

Members absent.

The following members were absent from the meeting held on the 12th September, 1941:—

(1) Mr. Kader Baksh.
(2) Rai Bahadur Keshab Chandra Banerjee.
(3) Mr. Shrish Chandra Chakraverti.
(4) Khan Bahadur Rezzaqul Haider Chowdhury.
(5) Mr. Narendra Chandra Datta.
(6) Mr. Kamini Kumar Dutta.
(7) Khan Bahadur Alhadj Khwaja Muhammad Esmail.
(8) Mr. R. W. N. Ferguson.
(9) Mr. Kanai Lal Goswami.
(10) Mr. Mohamed Hossain.
(11) Maulana Muhammad Akram Khan.
(12) Mr. W. B. G. Laidlaw.
(13) Rai Bahadur Brojendra Mohan Maitra
(14) Mr. J. McFarlane.
(15) Begum Hamida Momin.
(16) Dr. Radha Kumud Mookerjee
(17) Mr. J. B. Ross.

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